No. Defoe 27. 11
The Public Library of the City of Boston.

No. Trent .....

Treadwell · Elizabeth · Phillips · Kirstein · Wales · Bradlee · Stewart · Cutter · Kimball · Ford · Reed · Clement · Charlotte Harris · Whitney · Hyde · Bigelow · Skinner · Center · Knapp · Billings · Sewall ·

THE
WILLIAM P. TRENT COLLECTION
WORKS RELATING TO
DANIEL DEFOE
AND HIS TIME

THE PUBLIC LIBRARY
OF THE CITY OF
BOSTON

Purchased from the Income of
SUNDRY TRUST FUNDS

FN711: 29: 3M.

THE VILLAINY OF Stock-Jobbers DETECTED,

And the Causes of the Late

RUN

UPON THE

BANK and BANKERS

Discovered and Considered.

LONDON,

Printed in the Year MDCCI.

THE

VILLANY

OF

Stock-Jobbers

DETECTED,

And the Cause of the Late

RUIN

UPON THE

BANK and BANKERS

Discovered and Considered.

LONDON,

Printed in the Year MDCCXI.

IT has more then once been foretold that Stock Jobbers and Brokers wou'd Ruine the Trade, and ſeveral Times they have bid fair for the Performance.

But never was a greater Wound given to the Trade in General, than now; Never ſo unhappily Tim'd to the Diſadvantage both of the Publick Revenue and the Current Credit of the Nation, nor never was there ſo much Bare fac'd Villany acted, in the Affairs of Publick Trade as their is now.

Trade in general is Built upon, and ſupported by two eſſential and principal Foundations, *Viz.* Money and Credit, as the Sun and Moon in their *Diurnal Motion* alternately *Enlighten* and *Envigorate* the World, ſo theſe two Eſſentials maintain and preſerve our Trade; they are the Life and Soul of Trade, and they are the ſupport of one another too. Money raiſes Credit, and Credit in its turn is an Equivalent to Money.

From hence it follows, That Trade always bears a proportion to Money and Credit; and conſequently, they who by any methods Diminiſh the Stock of Caſh or Credit, equally injure our Trade.

Tho' it would ſeem needleſs to go back to particular Caſes for the proof of this Aſſertion,

yet it may not be amiſs to ſee a little from whence it comes to paſs, That our Trade is leſs now the War is over, than it was before it began.

The calling in our Coin viſibly put a ſtop to Trade, becauſe *the Stream which drove the Mill, the Oil that mov'd the Wheel*, was ceas'd. The prodigious Paper-Credit which paſt in *Lombard-ſtreet*, and which ſupply'd more than twice the Quantity of the Coin, equally ſupported Trade with the Money, and ſunk at once with the Coin.

The Merchants finding the ſenſible loſs to Trade, for want both of that Money and Credit, put their Invention on the tenters; and found out the Expedient of a Bank. The Exchequer alſo feeling the loſs of the Coin ſupplied with an imaginary Species in Exchequer-Bills, and yet both theſe fail'd in the Performance. So impoſſible it is to force Credit without Caſh. For till the ready Money began to appear again, the Brokers and Jobbers made a prey of all Mankind in the matter of Bills; and in ſpight of the endeavours of the Bank or the Exchequer, they bought and ſold their Notes at the ſhameful Diſcount of 10, to 16 and 20 *l. per Cent.*

I ſhall not think it needful to view the ill effect this had upon our Trade; how the needy Trades-men, who ſold their Goods at common

rates

rates, were fain to Diſcount more than their profit to get their Money. How the Exchequer-Notes deſign'd for a currency in Payments were Jobb'd about the Town; and by the Policy of theſe Gentlemen put upon the Trades-men, in order to be bought again at high Diſcounts, and then Engroſſed again by the Money'd Men, who obtain'd the Diſcount as a *Premio* added to the Intereſt upon the Originals.

I could fill a large Volume with the relation of ſuch Particulars, and eaſily make out the dammage that befell our Trade in General; but I have inſtanc't this only to prove how fatal the ſinking of Paper-Credit has been to the Nation.

The ſupply of new Money from the Mint, and the recovery of the Bank has reviv'd our Trade; and with our Money-Credit alſo began to revive: For Credit always follows plenty of Caſh, as naturally as the effect does the cauſe.

But, as if ſome ill Fate attended the Publick affairs, and we were not to recover our former magnitude in Trade; but always to be Sacrifiz'd to the Follies and Intereſts of particular Men; here is another General blow given to the Publick Credit, and a ſtop to the Currency of Bills. That it will have a more Fatal effect than yet appears,

I believe every Body expects; but I ſhall not ſo much predict the Conſequences, as endeavour to Detect the Cauſes.

Any one might have foreſeen, That the Strife and Contention of our two Rival *Eaſt-India Companies* would produce ſome more than ordinary Effect; and that the raiſing ſtock, of all ſorts to a Value ſo much above the *Intrinſick*, muſt have ſome fatal Iſſue, and would fall ſome where at laſt ſo heavy as to be felt by the whole body of Trade.

But beſides this, 'Twas eaſy to ſee that the Different Intereſt of Parties would lay open the Publick to be Injur'd by both of them.

Perhaps 'tis eaſier to Demonſtrate, That this miſchief is the contrivance of Perſons and Parties, than it is to diſcover the Perſons and prove the Fact. But on the other Hand 'tis not very difficult neither to Trace it back to its Original, and Detect the very Perſons.

The deſign of this Paper is not an Invective at any particular Perſon or Party, nor is it wrote to court or pleaſe either ſide; but if any thing be ſaid which touches or expoſes the Guilty, 'tis that they, if they pleaſe, may ſee their Errors; and if not, the Nation may take care not to be further injured by them.

If that new *Miſtery* or *Machine* of Trade we

call *Stock-Jobbing*, be first prov'd to be at the bottom of all this mischief; I hope the Great Representative of the Nation, the *Parliament*, will need very few Arguments to satisfie them of its being a Publick Grievance.

The Old *East-India* Stock by the arts of these unaccountable People, has within 10 Years or thereabouts, without any material difference in the Intrinsick value, been Sold from 300 *l. per Cent.* to 37 *l. per Cent.* from thence with fluxes and refluxes, as frequent as the Tides, it has been up at 150 *l. per Cent.* again; during all which differences, It would puzzle a very good Artist to prove, That their real Stock (*if they have any*) set loss and gain together, can have varied above 10 *per Cent.* upon the whole; nor can any Reasons for the rise and fall of it be shown, but the Politick management of the Stock-Jobbing Brokers; whereby, according to the Number of Buyers and Sellers, which 'tis also in their Power to make and manage at will, the Price shall dance attendance on their designs, and rise and fall as they please, without any regard to the Intrinsick worth of the Stock.

The New *Company*, the Bank of *England*, the *Exchequer*, the whole Nation, as has been lately well observ'd by the Author of *The Free-Holders-*

Plea againſt Stock-Jobbing, Elections of Parliament Mne is, or is in a fair way to be ſubjected to the ſame management.

To bring it home to the Caſe in hand, The apparent deſign of ſome People to ruin the Credit of the Nation by way of revenge, on a party who had oppoſed them in other deſigns, ſeems ſo clear, that it hardly needs to be further explained.

As ſoon as the Election of Parliament Men for the City of *London* was over, or ſo far over as that it plainly appeared on which ſide it enclin'd, a certain Party prepar'd their meaſures to bring about the very Deſign, which now we ſee ſo broke out upon us.

And that any obſerving People may recollect themſelves in the matter, it may be taken Notice of,

Firſt, That the old *Company* has ever ſince, and ſome time before, been amaſſing to themſelves all the ready Money they could poſſibly get, in order to form the Deſign, and make a general ſcarcity of Caſh, at the ſame time ſtopping their hands as to Payments and Exports as much as they could; and ſome People pretend to ſay, they have a Million of Money by them in Specie.

From

From whence I only make two ſhort obſervations.

First, *That we may ſee the Nations Enemies are Maſters of their meaſures, and know the directeſt way to ruin us: For nothing cou'd be more Fatal to Trade and the publick Credit, than engroſſing the current Caſh, and keeping it from the Circulation, which is the Life of our Trade.* But this is not the only thing in which the Old Company have injured our General Intereſt of Trade,

Secondly, *'Tis a ſign they do not live under a* French *Governmemt; and 'tis well for them they do not, tho' themſelves have been ſo fond of that Intereſt; for a King of* France *might have ſent them Word,* That Money being made to Circulate, if they did not know how to employ it, he did; *and command them to lend it him, at* 3 per Cent.

All the while the Old *Company* were laying up the Caſh, and dreining the Town of their ready Money, Guinea's eſpecially; another ſett of Men who are known to be in the ſame Intereſt, and to have concerted meaſures together, laid up in the ſame proportion, all the Bank-Bills they could lay Hands on. It

It is impoſſible to imagine that two or three Men ſhould lay by Bank-Notes to the Tune of 300000 Pounds, which had no running Intereſt upon them, and have no deſign in it; they are known to be Men who underſtand their own Advantages better than ſo, and have not rais'd ſuch vaſt Fortunes as they poſſeſs from ſuch blind methods; but the veſting all their running Caſh in Bank-Bills, the Old *Company* at the ſame time ſecuring all the ready Money, was the firſt Preliminary of the deſign which now broke out.

Things thus prepar'd, the next ſtroke at the Publick currency of Caſh, was a report Politickly rais'd and induſtriouſly ſpread abroad, that by a complaint from the Mint, *which was nonſence in it ſelf too*, the Government was moved to cry down the *French* Piſtoles to 17 *s.* 1 *d.* and the Proclamation was in the Preſs forſooth every day; tho' neither Government nor Mint had then done any thing in the matter;

Thus the Town was prepar'd, the Guinea's was utterly vaniſh'd, the Silver Money ſo leſſen'd as to make a viſible ſcarcity; a ſtorm gathered for the Bank, Piſtoles made dubious; the next thing was the improving the approaching Seſſions of Parliament, and the proſpect of a War in *Europe*, to run down the Price of Stock; and

when

when this was done, and all ripe for execution, the parties fall to Work; and first they began with the Bank, and running hard upon them with Sums of such magnitude, as easily discovered the design; allarum'd the Bank, who to return them their own kind, push'd at their Capital Banker, and run him down presently; and thus the Fight is begun.

But least the Bank should be reliev'd from the Exchequer, they forme an attack there too; where about Fifty Thousand Pounds in Exchequer-Bills present themselves for Payment at once.

This alarum'd the Exchequer too, on which a new Subscription is call'd for by the Lords, for the exchanging Exchequer-Notes, and making them current; which Subscription we find goes on well, and if it comes to be finished, and the Bank weathers this storm, as 'tis not doubted it will; all this Hurricane may yet fall on themselves; and it were only to be wish'd that the fall of Stocks wou'd effect none but such as have encourag'd this destructive *Hydra*; this new *Corporation* of *Hell*, *Stock-Jobbing*.

But since there are a great many honest Gentlemen, and Trades-men concern'd, whose Families and Fortunes arelike to suffer for it; 'tis worth while to examine whether an Evil of so Fatal a Nature to the

Publick, ſo Deſtructive to Trade, and ſo ruinous to the Publick Credit, ought not Effectually to be ſuppreſt.

I cannot however forbear to blame the *Bank of England*, for Publiſhing at ſuch a Juncture as this, their willingneſs to allow an Intereſt on their Seal'd Notes; which ſeems too plain to diſcover their fears of the Party, and is a downright begging of Credit. I ſhall ask leave here to tell a ſhort Story, ſomthing alluſive to this, and which will explain what I mean; whether the Reader pleaſe to take it for a Parable or a Hiſtory, 'tis all one to me, and will ſerve my turn as well one way as another.

A certain Trades-Man in *London* had borrowed a Thouſand Pounds of a Scrivener at *6 per Cent.* Intereſt, and had kept it in his Hands ſome time; but loſſes coming upon him, and particularly one which ſtrook his Foundation; he began to apprehend, that if it came to the Ears of that Creditor. the Scrivener, he would call in his Money, and at that juncture, ſuch a Demand would entirely ruin him.

To go to the Scrivener and give him a Bribe, to promiſe the continuing the Money; tho' he knew that ſort of People willing enough to take Money, yet he thought it lookt like leſſening him-

himself, and would injure his Reputation, and possibly only serve to make that certain, which yet was but doubtful, and put him upon calling for the Money sooner than otherwise; upon which he resolv'd on a quite contrary method.

He goes to the Scrivener, and tells him he had borrow'd such a Sum of Money on him, and paid him Interest for it; but he found the Interest of Money run high, and 'twas a hard thing for a Trades-Man to pay it, that 'twas but working for other Folks; for he found Trade was dull, and he gave long Credit and the like, and therefore in short, he desired him to take in the Money again, for he was uneasie to be so deeply in Debt.

The Scrivener ask'd him when he wou'd pay it, he told him that Afternoon, if he would send the Bond to his House, he had order'd his Man to Tell up the Money.

The Scrivener told him, it was hard to put the Money on them without Warning, and wou'd be a Loss to his Client to oblige him to take it in before he was provided to put it out again, that if he had call'd it in, he wou'd a given him Three Months time to pay it in, and so much Notice he expected.

Aye,

Aye, but says the Trades-Man, that will be a Loss to me too, for I must keep it by me, or else it may not be ready at the time. But, *pray Sir*, said the Scrivener, *keep the Money, Trade may mend; a Man that has a Thousand Pound by him, meets with Opportunities that he did not think on.*

The Trades-man finding his Design take, answers coldly *No*, and so they parted; at next Meeting, the Scrivener still pressing him too keep the Money, he tells him; *Look ye* Sir, *you desire me to keep this Money, if your Client will abate me* 1 per Cent. *of Interest, I'll keep it longer*: The Scrivener agrees, and the Trades-man answer'd his End, whereas had he gone and offer'd him 1 *per Cent* more for Interest or Continuance, 'tis Ten to One but they had call'd for their Money.

I leave any body to apply this Story to the Bank of *England*, offering double Interest at a time, when a Storm threatned them, they indeed are the best judges of their own Affairs; but if they had stood their Ground boldly without it, I am of Opinion with submission, their Credit had stood clearer.

The Credit of the Bank of *England* does not immediately consist in the reality of their Foundation

dation: Sir, ſure it does originally depend upon the Goodneſs of their Bottom, but the more immediate Credit of their Proceeding, depends upon the currency of their Bills, and the currency of their Bills depends upon their immediate Pay; *the Bank has no Advantage of the meaneſt Goldſmith as to their current Bills*, for no longer than their Payments continue punctual and free, no longer will any Man take their Bills, or give them Credit for Money.

All the Credit which remains to the Bank after their Payment comes to ſtop, *if ever ſuch a time ſhall be*, is that People have a Satisfaction; that at long run their Principle is ſafe, and their Bottom will pay their Debts: this is the Credit of their Stock, but the Credit of their Caſh ends, if ever they baulk but one Bill.

To ask the World to ſtay for their Money and take Intereſt, is to weaken the Credit of their Caſh, and transfer themſelves to the Credit of their Stock which no body doubts to be good.

I know therefore nothing the Bank could have done more to injure the Credit of their running Caſh, than to make ſuch a Propoſal of Intereſt upon thair Bills, which formerly they publickly refuſed.

I queſtion not but the Bank will out live the Deſign of all the Sir *C——s.* and Sir *L——s.* in *England*; and if they do anſwer all the Demands which now run upon them without ſtopping Payments, their Enemies will receive a particular Mortification: but I am of the Opinion at the ſame time, they will be ſenſible that the offer of doubling the Intereſt on their Bills, really rather injur'd them, then anſwered the End they propoſed.

From theſe particular Inſtances, I proceed to examine whether theſe People who have carryed on theſe Meaſures, have not anſwer'd two Deſigns together; and at one Blow attempted to wound their oppoſite Party and the Government alſo.

Whoever wounds the publick Credit, wounds the whole Nation and the Government, the giving a blow to the Currency of proper Credit, is robbing the Nation of ſo much Stock; for Credit is the ſecond branch of Stock, and Trade muſt decline accordingly; by leſſening our Stock and Trade, we are weakned in the main ſtrength of the Kingdom; the Government is weaken'd, Aids and Taxes muſt fall ſhort, eſpecially where Trade is to pay them, and Loans and Anticipia-

tions

tions, which are Advancements made for the immediate Service of the Government, will be ſtopt.

If it be in the power of Mercenary Brokers and Companies to engroſs the Current Caſh, ſo as to make a Scarcity of Money, it muſt conſequently be in their Power, whenever they are pleaſed to ſhow their Diſeſteem to the Government, to prevent the advancement of any Sum of Money for the publick Service.

And this Experiment may be a Tryal of their Skill, to let us ſee what they are able to do, if the City does not take Care to oblige them by chooſing Magiſtrates or Repreſentatives to their Mind or out of their Party.

'Tis very hard, that this ſort of Men by the Power of their Money, and the Influence they have in the Stocks of Companies, ſhould have it in their Hands to put a general ſtop to Credit, Caſh, Banks, and even the Exchequer it ſelf.

'Tis known, their Affection to the Government, and ſome Intereſt of the King and Kingdom, is but very indifferent, and that generally ſpeaking, both thoſe two great Men we have mention'd, and almoſt the whole Party, who eſpouſe the Old Compa. ies Quarrel, have put themſelves in a direct Oppoſition to the Friends of the Government, and always run retrograde to the King and the Nations Intereſt.

That

That they have deſign'd ill, is manifeſt by the Event, becauſe they have done what lay in their Power to ruin the Nations Credit, in order to affect the general Trade, as well as the Perſons.

I ſhall now examine a little the reaſon of this Combuſtion, and I cannot but reflect that there ſeems to be ſeveral Cauſes to which it may be aſſign'd; all of which ſeem but to expoſe the Temper of the People we ſpeak of, and to make both them and their Cauſe odious to Mankind.

Firſt, *from Ambition* to ſhow the City that they are Perſons whom it is Dangerous to diſoblige, and that they are able to ſhow their Reſentments in a Method which they ought to be affraid of to let them ſee that they knew not what they did, when they Poll'd againſt Men of ſuch Power and Influence as they, and that they ought to have a Care of affronting Men, in whoſe Power it lay ſo much to check the moſt eſſential point of the Cities proſperity, *their Trade*; and to let the Government ſee too, that they are Men of ſuch Figures and Authority in the Nation, and can at their Pleaſure ſo manage the Caſh and Trade of the Town, that they can ſtop our Credit, break our Goldſmiths, ſink our Stocks, embarraſs the Bank, and ruine Trade at their Will and Pleaſure.

So

So far as this is a good Reaſon, ſo far with Submiſſion the Government is concern'd, to take Care that their Influence and Power be ſo reſtrained by wholſome Laws, as that the whole Command of the Nations Caſh and Credit may not be in the Hands of Companies and Stock-jobbers.

Another original Cauſe of the preſent Diſturbance, is theſe Men Exerting the Power I have been ſpeaking of by way of Reſentment:

1. *At the Cittizens, in the Slur they thought put upon them by the Livery, for oppoſing their Election.*
2. *At the New Company, for Reaſons drawn from the Different Intereſts of both the ſaid Companies.*

I ſhall not examin here whether the *Eaſt-India* Trade be a real prejudice to the General Stock of the Kingdom, but I muſt be excuſed to be poſſitive in this, That the two Rival Companies are certainly a prejudice to the *Eaſt-India* Trade.

And I may ſafely add, That *Jobbing* their Stocks about, raiſing and ſinking them at the Pleaſure of Parties and private Intereſts, is more prejudicial to

Trade in General, than both the Companies can make amends for.

There is hardly a private Trades-man in the Town, but one way or other feel the effects of the leaſt ſtop to the currency of Caſh, and Goldſmiths Bills; and it ſeems to be *a Grievance to be puniſhed by the Judge*, That the General head of Trade in a City, ſo dependant upon Trade as this is, ſhould be liable to the Clandeſtine Management of Parties, and ſuffer for the petty Quarrels and Diſputes of two *Eaſt-India* Companies that have nothing to do with them.

As to the Diſputes between the two Companies being prejudicial both to themſelves, and to every Body elſe; 'tis plain by what has been ſaid, they are prejudicial to Trade in General, by how much their private Diſputes affect the value of other Peoples Eſtates, raiſing and ſinking of Stocks, which have no relation to them, and influencing publick Credit.

They are and will be certainly Deſtructive to the *Eaſt-India* Trade in General, by glutting the Nation ſo with Goods, as to prejudice the Manufacture of *England*, and diſguſt as well as injure the Poor; and by reducing the Prices of their own Goods to out do and under-ſell one another; which 'tis hop'd alſo may in time reduce them both

to

to Circumstances more proportioned to the Nature of the Trade, and to their own Interest.

Not that I believe 'twould be best for *England* to have no *East-India-Company* neither; many parts of that Trade are certainly beneficial to the *English* Trade in general; but to carry it on to such a Magnitude as is palpably destructive to the *English* Manufactures, and Impoverishing to the Nation by Exporting such quantities of *Bullion* in Specie, must certainly make it a Publick nusance, a burthen to Trade, and a damage to the Nation.

Add to this the strife between them, their Emulation in Sales must certainly destroy their own Designs, and ruin them both. For cheapness of any Goods Imported which vye with our Manufacture, must be prejudicial to that Manufacture; and when two of a Trade strive to ruin one another by under-selling, it generally ruins the Trade, and both Parties too.

So that from the Contention between these two Companies, Trade in General is Injur'd, our Manufactures discouraged, both Companies will in the end be ruin'd, and the *East-India* Trade spoil'd if not lost.

For it does not follow, That because Eight or Ten Ships a Year from *India*, may be a necessary and

pro-

profitable Trade; That therefore Twenty or Thirty must be so too; and 'tis easie to demonstrate, That whereas we may want Eight or Ten Ships a Year in that Trade, Twenty or Thirty would ruin the Trade it self, and be a General prejudice to the Nation.

Trade is in no respect tollerable, but as 'tis Profitable; and the profit consists, or at least depends upon proportion of Circumstances; if the Import exceeds the Demand, Goods must fall, and if the Goods fall, the Profit sinks.

The Companies cannot expect, especially now their Silk-Trade is limited (as by Act of Parliament it is) That this Trade can vent the Import of about Sixty Sail of Ships now abroad; if they come to under-selling one another, they are gone, and their Stock is not worth 20 *per Cent.* from the first Day they begin it.

In the mean Time, if they do find a vent for so great a quanity of Goods as all those Ships must Import, the *English* Manufacture must suffer.

On the whole matter,

Whether we consider the injury to the Publick Credit by the villany of Stock-Jobbers,

The

The exposing the Essentials of the Nations, Prosperiry, to the Management of mercenary Brokers and Parties; who upon every occasion they are pleased to take, when such as they think fit to approve of, are not chosen Lord Mayors or Parliament-Men, shall take the Liberty to shew their Resentments by Affronting the Government, ruining Banks and Goldsmiths, and sinking the Stocks of all the Companies in Town:

Or, the Powerful influence they have by their Money on the current Cash of the Nation.

Whether any of these things are considered, I leave it to the Wise Heads of the Nation, now concerned to reflect and examine, whether it be consistent with the Safety of the *English* Nation, with the Honour of the *English* Government, or with the Nature of the *English* Trade, to suffer such a sort of People to go on unprescrib'd and unlimited, or indeed unpunish'd.

What safety can we have at home, while our Peace is at the mercy of such Men, and 'tis in their Power to *Jobb* the Nation into Feuds among our selves, and to declare a new sort of Civil War among us when they please?

Nay, the War they manage is carried on with worse Weapons than Swords and Musquets; Bombs

may Fire our Towns, and Troops over run and Plunder us? But these People can ruin Men silently, undermine and impoverish by a sort of impenetrable Artifice, like Poison that works at a distance, can wheedle Men to ruin themselves, and *Fiddle them out of their Money*, by the strange and unheard of Engines of *Interests*, *Discounts*, *Transfers*, *Tallies*, *Debentures*, *Shares*, *Projects*, and the *Devil and all* of Figures and hard Names. They can draw up their Armies and levy Troops, set *Stock* against *Stock*, *Company* against *Company*, *Alderman* against *Alderman*; and the poor Passive Trades men, like the Peasant in *Flanders*, are Plundered by both sides, and hardly knows who hurts them.

What will become of the Honour of the English Nation, if the principal Affairs relating to the Credit both of the publick and private Funds is dependant upon such vile People, who care not who they ruin, nor who they advance, tho one be the Nation's Friends, and the other its Enemies, and expos'd to their particular Resentments?

He is a worthy Patriot, and fitly qualified for a Representative, who wou'd join his strength to overthrow the Credit of the City, and ruin Trade only to shew his private Resentment for not being chosen as he thought fit to expect.

Lastly,

Lastly, What Condition must the Trade of *England* be soon reduc'd too, when Banks and Paper-Credit, which must be own'd to be a material part of its subsistance, are become so precarious as to be liable to a general Interruption from the breath of mercenary, malitious, and revengeful Men.

It might be said here, *You are very high against Stock-jobbing and Stock-jobbers, no Man ought to complain of an Evil he cannot Remedy.* Can you propose how to remove the grievance, and free us from the Inconveniencies you have discovered?

For answer, I might say 'tis not always to be expected that he which finds a Fault shou'd mend it: If an Enemy have laid an Ambuscade to surprise a Town, he who first Discovers it is as instrumental to save the Place as he who defends the Works; and the Wisdom of the Parliament, their present Session being upon us, together with the consequence of the thing it self, methinks might turn the Eyes of all Men from a single Person to that great Assembly, and expect the Remedy where the Power of redress more particularly is lodg'd.

But that I may also let the Reader know that this Disease is not incurable, nor the men unpunishable, I will lay down a few Generals, which if put into execution by the Authority of Parliament, may be effectual to suppress such People as we complain of,

off, and also to prevent the Consequences.

First, To impeach the Persons of such Misdemeanors as on a fair Hearing may be prov'd on them, and among such other Punishments as the Authority of Parliament shall judg they deserve: let them be made uncapable of buying, selling, transfering, or possessing, either in their own Names, or the Names of any Person in trust for them, any Shares, or parts of or in any of the Publick Stocks, Banks, or Companies now in being, or shall hereafter be form'd or established, either publick or private.

Secondly, Reduce the two Companies into one limited, and restrain'd to such Conditions and Articles, as shou'd make the Stocks and Shares so Transferable, as to Circumstances of Time and Persons, as may render alienating the Property more difficult and chargeable; at the same time all Stock to be Forfeited to the Informer, which shall be Alieniated, Pawn'd, Mortgag'd, Given or Sold, without it be immediately Transfer'd.

Thirdly, Charge a Duty of 10 *per Cent.* to be paid the King by the Seller, upon all Stock Transfer'd, as often as it is Alieniated or Transfer'd.

Fourthly, Oblige every Person to whom any Stock is to be Transfer'd, to swear that he will not Buy, Sell, Alieninate or otherwise Mortgage

or

or pledge the ſaid Stock without a legal Entry of the ſame, in the Books of the ſaid Companies, and Transfering the ſame according to *Act of Parliament.*

Fifthly, Limit the *Eaſt-India* Company to ſuch Conditions both to Stock and Trade, as may be conſiſtent with the preſerving the Trade to *India* to the *Engliſh* Nation, and yet preventing the ſaid Trade, from interfereing with, encroaching upon, or otherwiſe being detrimental to our own Manufactures; that it may be carried on without *Factions* among the Rich, or *Clamours* from the Poor; *oblige them* to import proper Quantities of ſuch Commodities as ſerve to help forward our own Trade, and ſuch as the Nation wants, as *Saltpetre*, *Raw Silk*, *Spices*, *Drugs*, *Canes* and *Callicoes*, and *limit them* from importing too great quantities of ſuch Goods as leſſen the Conſumption of our own Manufacture.

Theſe Methods, with the Additions of ſuch as the Wiſdom of the Nation will find out, wou'd effectually ſuppreſs this pernicious, growing Party, whoſe dangerous Practices, are of ſuch a Nature, that no Man can ſay where they will end.

Then we ſhall Trade upon the ſquare; Honeſty and Induſtry will be the method of Thriving, and plain Trade be the General buſineſs of the Exchange.

Bankrupts and Beggars have advanced the mistery of Stock-jobbing, and we can now reckon up a black List of 57 Persons, who within this ten years past have rais'd themselves to vast Estates; most of them from mechanick, and some of them from broken and desperate Fortunes, by the sharping, tricking, intreagueing, scandalous Employment of Stock-jobbing, who have been the Losers, or what the General Stock of the Nation has been better'd by them is, a Mystery too hard to be explain'd.

Now they ride in their Coaches, keep splendid Equipages, and thrust themselves into business, set up for Deputies, Aldermen, Sheriffs, or Mayors; but above all, for Parliament-men, of which (with the mischievous Consequences that are like to attend it) enough is said in a late Pamphlet, intituled, *The Freeholders Plea*; which I noted before, and to which I refer and shall conclude with this short note.

That I think, with submission, all honest men ought to know their Names in order to shun their dangerous Acquaintance; and the Government has nothing before them, but effectually to suppress and ease the Nation of so intolerable a Grievance.

FINIS.

THE
Free-Holders Plea
AGAINST
STOCK-JOBBING
ELECTIONS
OF
Parliament Men.

LONDON:
Printed in the Year 1701.

Defoe 27.11 no.2

THE Free-Holders Plea AGAINST STOCK-JOBBING Elections of PARLIAMENT Men.

OF all the Nations in the World, we may ſay, without Detracting from the Character of our Native Country, that *England* has, for ſome Ages paſt, been the moſt Diſtracted with Diviſions and Parties among themſelves.

Union, and Charity, the one relating to our Civil, the other to Religious Concerns, are Stangers in the Land; and whether we ſpeak of difference in Opinions, or differences in Intereſt, we muſt own that we are the moſt

Divided, Quarrelsome Nation under the Sun.

Poland is the only Nation of *Europe* which can pretend to Match us in this Ill-natur'd Quality, and yet all things examin'd *Poland* cannot come near us.

'Twas a true Character given of us, by the Wisest Princess that ever Govern'd us, Queen *Elizabeth*, that the *English* were harder to be Govern'd in time of Peace than War.

What Experience our present Governors have had of this Old Maxim in the short Peace we have had, we leave to every Man's Observation.

Not to enter into the History of the Divisions, and Civil Disturbances in the Nations Peace, which is too fresh in our Memories; and cannot be review'd without sensible Regret by any Man, who Loves his Country, or has the least regard to its Prosperity or Reputation.

Yet we cannot but express our sense of the Encrease, and more than ordinary progress of this wrangling Temper, on the present Affairs of the Publick; and with what Fatal success it Invades us in the most Minute, and most tender Parts; with what subtilty it spreads its contagious Qualities into the Vitals of the State, and

from

from thence descends into the less Noble Parts, the Trade of the Nation.

Religion and the State have felt the plague of Contention, eating out the very Entrails of the Nation, and with a sort of alternate Motion, have equally come under its Malignant Effects, for almost Four entire Centuries of Years, and as if it was not enough to hurt us in those two Essentials of our Peace, behold the Plague is broke out in our Trade, which is the third, and next the other two, the Supreme Article of the Kingdoms Prosperity.

Wherefore we the Yeomandry, and poor Freeholders of *England*, having, God knows, no Hand in the Differences, tho' we have a deep share in the Damages, do take the freedom to make our just Remarks upon the Causes, which, as we apprehend, have conduc'd too much to the present unhappy Divisions of the Nation; and which, if some care be not taken to prevent it, may compleat the Ruin of us all.

The Wisdom of late Parliaments have Establish'd two great Rivals in Trade, the Old, and the New *East India* Companies.

We do not pretend to Arraign the Justice of those *Wonderful and Unintelligible Assemblies*, if they

were in being, we dare not, and, since they are not in being, 'tis not very Honourable, you'll say, to speak ill of the Dead.

But thus far, we hope, without offence, we may be allow'd to give our Opinions in this particular Affair, that tho' separately and distinctly, every part of the proceedings of those Parliaments, might be literally and positively Just, and Right, we mean as to the *East India* Companies.

Yet when they are Conjunctively, and in the General put together, and reflected on, they seem to be clouded both as to the publick Interest; and as to the Honour of the proceedings, with dark Enigma's of State, and Inexplicable Paradoxes, too hard for us to understand, such as these.

1. That during the Being of one Company, and before the Extent of their Charter, and Privileges were Expir'd, we mean the 3 Years allow'd them for bringing Home their Effects, there should be Erected a New Company, with power of immediate Trade.

Had the New Company not commenc'd their Trade, till the time of the Old was expir'd, or near it, there might have been a Succession of Companies, not two Rival Companies in Being together.

2. That

2. That the manner of the Trading by the New Company ſhould be ſo Order'd, as that the Old Company by Subſcribing ſhou'd enable themſelves to Trade ſeparately, as a Company ſtill; and that with ſo Capital a Stock, as always to ſhare the Trade with the New Company; and ſo at the ſame time two Contraries be upheld by the ſame Authority.

Had the New Company been ſo Eſtabliſh'd, that at the Expiration of the Old, it ſhou'd have had a Commanding Superiority, by which no other Men cou'd have Traded, but under them, by Permiſſion at the ſame time, leaving all Men at liberty to come in and Trade with them, there had been then no Rivals *in the Trade, which will, no queſtion, as they now ſtand, ſoon reduce the Trade to very low Terms.*

3. That after this New Company was Eſtabliſh'd, and the Mony paid in, to the Uſe of the Government, *which ſome ſay was the thing which firſt mov'd the Conception of a New Company, and which, if the Old Company wou'd have procur'd, they had never been Broke nor the New one Born.* That after this New Company was Erected, the Stock advanc'd, and the Mony to the Government pay'd they ſhou'd prohibit by Act of Parliament Two Thirds of their Trade, and ſo Starve the Child they had Begotten.

If

If the Trade was ruinous to the Engliſh Manufactures, and the Intereſt of the Nation it ſhou'd have been foreſeen, before Gentlemen had payd their Mony, or elſe it ſhou'd not have been Examin'd afterwards.

4. That after all this they ſhou'd grant a New Charter to the Old Company, by Virtue of which they have both Power and Time to Trade, to the prejudice of the New, even to their Hearts Content.

We ſay nothing of thoſe particulars but thus, that really we do not underſtand the conſiſtency of them with themſelves, they ſtand to us as Arcana's of Policy, too high to be medled with.

Nor ſhou'd we trouble our Heads about them, but leave both Companies to confound one another, as we believe they will; but that we find ſo great a part of the Nation concern'd in their Quarrel, as gives us cauſe to Obſerve, that the Iſſue of them ſeems to threaten the Nation with ſomething Fatal.

For the Power of theſe two Rivals is ſo great, and their Intereſt in the Kingdom ſo popular and High, that Matters of higher Moment than Trade ſeem to depend upon them, while all the proceedings of their Members, both in the City, and in the late Parliament, in both which

their

their Parties have been numerous, are, and have been guided according to their Intereſt in their reſpective Companies.

The Grand Work which the whole Nation is now Intent upon, is chuſing their Repreſentatives in Parliament, Chuſing Men to Meet, and adviſe with the King about the moſt Important Affairs of the Kingdom.

And while all Men ought to be fixing their Eyes upon ſuch Men as are beſt Qualified to Sit in that Place of Honour, and to Examine who are fitteſt to be Intruſted with the Religion and Peace of *England*, and perhaps of all *Europe*.

Here we are plagu'd with the Impertinence of two *East India* Companies, as if the Intereſt of either Company were to be Nam'd in the Day with the *Proteſtant Religion and the publick Peace*, or as if they, who are fit to be Repreſentatives of the People in the great Matters of Peace and War, Leagues, and Alliances of Neighbours, Succeſſion of Crowns, and Protection of the Proteſtant Religion, ſhould not be capable of deciding the petty Controverſy in Trade between two Rivial Companies.

The Grand Queſtion ask'd now, when your Vote is requir'd for a Parliament Man, is not as it ought to be, Is he a Man of Senſe, of Religion, of Honeſty and Eſtate?

Bur:

But, What Company is he for, the New, or the Old?

If Mr. *A.M.* ſet up as a Candidate in a Neighbouring Borough, Who ſet him up? 'Tis known he is no Inhabitant there, nor ever was, has no Free-hold, or Copy-hold, or Leaſe-hold Eſtate there, nor is not known there, and of himſelf poſſibly was not acquainted with 20 *P*eople there.

But enquire what Company he is for; and then ſee if all the reſt of that Company were not found running over the Water, to make their Intereſt with their Friends for his Election.

And the Time would fail us, and the *P*aper too, to give you a Liſt of the Shop-keepers, Merchants, and Pedlers, and the Stock-Jobbers, who, with their Hir'd Liveries, in Coaches, and Six Horſes, who, God knows, never had Coach or Livery of their own, are come down into the *C*ountreys, being detach'd from *London*, by either Company to get themſelves choſen *P*arliament-Men, by thoſe Boroughs, who are eaſie to be Impos'd upon, and who, like well-meaning Men, that know nothing of the Matter, *C*hooſe them upon the Recommendation of the *P*ountry Gentlemen that have Intereſt in the Towns, which

Country

Country Gentlemen are prevail'd upon to quit their own pretenſions, to advance theirs; but by what Arguments we cannot pretend to Determine.

We have formerly been told that ſpending Mony upon the Inhabitants of Towns, was a pernicious practice; and no doubt it was, and an Act of Parliament has been wiſely made to prevent it.

What any Man cou'd propoſe to himſelf by ſpending 2000 (nay, 11000 pound was ſpent at the Town of *Winchelſea*) to be choſen to Sit in a Houſe, where there is not one Farthing to be gotten honeſtly, was a Myſtery every one did not underſtand.

But here is a New way of getting Mony: For if a Country Gentleman has ſo much Intereſt in a Town, that he can be choſen a Member of Parliament, if he will decline it, here is a ſort of Folks they call *Stock-Jobbers*, help him to a 1000 G----s for his Intereſt.

This is Parliament-Jobbing, and a New Trade, which as we thought it the Duty of *Engliſh* Free-holders thus to Expoſe, we hope an *Engliſh* Parliament will think it their Duty to prevent.

For as this Stock-Jobbing in its own Nature, is only a new Invented sort of *Deceptio Visus*, a *Legerde-main* in Trade; so mix'd with Trick and Cheat, that twou'd puzzle a good *Logician* to make it out by *Syllogism*: So nothing can be more Fatal in *England* to our present Constitution; and which in time may be so to our Liberty and Religion, than to have the Interests of Elections Jobb'd upon Exchange for Mony, and Transfer'd like *East India* Stock, to those who bid most.

By this Method, the Country Gentlemen may sit at Home; and only Corresponding with the Brokers at *Jonathan's* and *Garraway's*, as the Prizes Rise or Fall, they may dispose of their Interests in the Towns they can Govern, at as good a rate as they can.

The Citizens, or such who have their several Companies and Interest to Serve, will Ease themselves of the Expence of Travelling, with the fine borrow'd Equipages before mention'd; and only go to Market in Exchange Alley, and Buy an Election, as the Stock-Jobber and they shall agree, which Election shall be manag'd by the Country Gentleman, who is to have his Bargain, no Purchase, no Pay, and is to go thro' with it, or else he gets none of the Mony.

Ele-

Elections of Parliament-Men are in a hopeful way; and Parliaments themſelves, are in a hopeful way by this conciſe Method of Practice, to come under the abſolute Management of a few Hands, and no doubt things will go on accordingly.

Banks and Stocks may be lay'd up, and employ'd in a ſhort time, for the purchaſing the Intereſt of Gentlemen, and our Gentry being willing to get a Penny in *an Honeſt way*, as we ſay, will but too often ſell their Intereſts and their Country too, eſpecially ſuch Gentlemen, whoſe Eſtates are reduc'd to an occaſion for it.

The truth of it is, 'tis a Paradox, a Riddle, that we Country-men cannot underſtand, nor never cou'd, what makes our Gentlemen ſo fond of being Parliament Men, we do not very well underſtand what the Buſineſs is at the Parliament. Only we find we are ſwingingly Tax'd; and they tell us 'tis done by the Parliament; but we never underſtood they had any of the Mony themſelves, we always thought the Mony was for the King, tho' they had the Giving of it, then we ſee in the King's *Proclamation* for Calling a Parliament, that it was to Adviſe with them, about Affairs of the Higheſt Importance to the

Kingdom. Now we cannot ſee they can get any thing by coming together to be Adviſ'd with, and our Knights of the Shire tell us they get nothing by it. And here lies the Difficulty, we can never reconcile their ſpending ſo much Money to be Choſen, going up 200 Miles to *London*, and ſpending ſix Months ſometimes there in attending the Houſe, and all for nothing; we have often been thinking there muſt be ſomething elſe in the caſe, and we are afraid there is.

Nor did ever any thing explain this Riddle ſo much, as the ſtruggling of theſe two Companies to make Members of Parliament; for the meaning to us ſeems thus:

That they ſuppoſe which Company ſo ever gets moſt Friends in the Houſe, will be moſt likely to be farther Eſtabliſh'd, to the Ruin of the other, and therefore they make ſuch a ſtir to get Friends there.

Whence firſt it muſt be ſuppos'd that the Matter ſhall not ſtand or fall by true Merrit, and that Company be ſuppreſt that deſerves it; for if ſo, it might be probable they wou'd both be ſuppreſt; for we apprehend they are both deſtructive to our *Engliſh* Trade in general and Manufactures in particular.

But

But 2. It must be suppos'd that Friendship, and Number of Voices only will decide the Controversy.

And in order to this the Stock-Jobbers, who care not a Farthing which Side gets the better, but makes a Prey of them both, have set up this new Trade of Jobbing for Elections: And that the way of their proceeding may be a little plainer understood, We desire you to read the Copy of a Letter come down last Post, to a worthy Gentleman in our Country, from a Friend of his plying in or near *Exchange-Ally*, concerning this Matter.

SIR,

THE Elections for a New Parliament being began almost every where, I doubt not but the Time is fixt at your Town of - - - - - - . I know you have the Absolute Power of the Inhabitants there, and can put in whom you please; and finding by your last you purpose to Decline it your Self, I am to inform you, that a very honest Gentleman of my Acquaintance, being an Eminent Merchant here, wou'd think himself very much Oblig'd, if you wou'd Use your Interest in his behalf, upon your Grant whereof I have an Order to Present you with a Thousand Guinea's to buy my Lady Pins.

He

He is ready to come down at your first Summons, in a very good Equipage; Pray dispatch your Mind per the Bearer, to

Your humble Servant,

To the Honourable
Sir *A, B, C, D*, Bar.

Postscript.

IF Sir E, F, G, H, *will dispose of his Interest in the Town of - - - - - - - I can help him to very good Terms.*

Now tho' the worthy Gentleman to whom this Proposal was made, rejected it with Disdain, yet the Attempt is made very plain in the case.

And we are inform'd, that the Number of Members come down into the Counties, on such accounts, are incredible.

Wherefore we think it very needful to publish our Resentments at such a practice, and to protest against it in this our Honest Plea, as an indirect, wicked and pernicious Practice, and which may be of very ill consequence to the Nation, on these following Accounts,

1. A hundred, or an hundred and fifty such Members in the House, wou'd make a Dead Weight,

Weight, as it us'd to be call'd, to carry any Vote they are For, or Againſt, either in the Negative or Affirmative, as they ſhall agree, and if ſo, it will be almoſt in their Power to diſpoſe of our Eſtates, Perſons, Liberties and Religion, as they think fit.

2. If it be true, as is very rational to ſuppoſe, that they who will Buy will Sell; or if it be true, which ſeems ſtill more rational, that they who have Bought muſt Sell, muſt make a *Penny* of it, or elſe they loſe their *Purchaſe*, and ſome their Fortunes, which they expected to raiſe by theſe mercenary Elections; then the Influence ſuch a Number of Members, gotten into the Houſe by the method We are ſpeaking of, will be capable of ſelling our Trade, our Religion, our Peace, our Effects, our King, our Crown, and every thing that is Valluable, or Dear to the Nation.

If Stock-jobbing of Elections be the firſt ſtep, in all probability Stock-jobbing of Votes will be be the ſecond; for he that will give a Thouſand pounds, or more, only for a power to Vote, expects to get ſomething by Voting, or gives away his Money for nothing.

What

What ſhall we ſay then, if a League of Confederacy ſhou'd be made between our Parliament-Sollicitors, and our Stock-jobbing-brokers, two ſort of People equally mercenary and deceitful.

We deſire to know, whether 'twould not be more fatal to *England* than the Union of *France* and *Spain*, which all *Europe* ſeems to be ſo much diſturb'd at.

In vain do We the Free-Holders of *England* ſtrive to Chuſe Men of all the Six Characters, mention'd by a late Author, in order to have a Parliament every way Quallified for the Important Affairs, his Majeſty has mentioned in his Proclamation.

In vain ſhall thoſe Gentlemen We choſe ſit, and Vote in the Houſe, if ſuch a Generation as We hear of are let into the Houſe, by the help of their Money at the Boroughs and Towns, for the Citizens and Burgeſſes out-run the Knights in Number above Three for One.

We think 'tis no ſmall Misfortune to the *Engliſh* Conſtitution, that ſo great a Number of Members Choſen by the Corporations of *England*, and, according to our weak Opinions, it ſeems not equal, That all the Free-holders of a County ſhou'd

ſhou'd be repreſented only by two Men, and the Towns in the ſame County be repreſented by above Forty, as it is in *Cornwall*, and near the like in other Counties.

Again in ſome of theſe Corporations, where the right of Voting is in the Mayor and Jurats; in ſome the Mayor, Aldermen, and Common Councel; in others the Mayor, Aldermen, and Capital Burgeſſes; in others the Bayliff and Jurats, and the like, the right of Voting is reduc'd to ſo few, and thoſe ſo *Mean* and *Mercenary*, that they are eaſily prevail'd with, to chuſe ſuch as they know not, but are recommended by others.

And, which is worſe, ſome Towns whoſe Charters remain, tho' the Towns themſelves ſeem to be Dead, are ſo mean and contemptible, that nothing remains of them but a Deſpicable Village, with the Ruins of what they have been.

We think it wou'd be but reaſonable, that the Charters and Priviledges of Towns, ſhou'd die with the Towns; and that whereas when they were Popolous and Rich, they were Repreſented in Parliament, becauſe they were ſo; when they are Depopulated and Deſolate, there can be no need of any *Perſon* to repreſent them, what can

 the

the *Members*, who have serv'd for the Town of *Winchelsea* answer, if they were ask'd, who they Represent, they must Answer they Represent the Ruins and Vaults, the remains of a good Old Town, now lying in Heaps; as for the Inhabitants, they are not to be Nam'd among the List of the most despicable Endships, or Village in the County.

Branber in *Sussex*, Old *Sarum*, *Stockbridge*, *Gatton*, *Quinburro*, and multitudes of Towns the like, who send up Gentlemen to represent Beggars, and have had more Mony spent at some of their Elections, than all the Land in the Parishes wou'd be worth, if Sold at a Hundred Years Purchase.

While on the other Hand, a great many good Towns in *England*, being of more modern Rise in the World, are not permitted to chuse at all, and the City of *London* it self, tho' some say it bears a proportion to Six parts of the Kingdom, sends but Four Members of it self; and but Eight in the whole Circumference.

This Inequality, we humbly conceive opens the Door to the fraudulent practices, which have all along been made use of in Elections, Buying of Voices, giving Freedoms in Corporations, to People Living out of Corporations, on purpose

to

to make Votes, debauching the Electors, makeing whole Towns Drunk, and Feasting them to Excess for a Month, sometimes two, or more, in order to engage their Voices.

These things were so Notorious, and withal so Ruinous to the Gentry themselves, of whom several *Men* of plentiful Estates have been miserably Beggar'd and undone, that the Parliament wisely took notice of it, and have prohibited the practice.

But as if the Devil ow'd the Nation a Grudge, and was rummaging his Invention to find it out; here is a new project found out, to succeed the other, which is Ten Fold more the Child of Hell than that.

Elections were obtain'd by those Clandestine Vicious ways, only to sit in the House in General; but here the design seems to be form'd before-hand, what they wou'd be chosen for, and the measures concerted, nay we have heard that it may be known already, and Wagers have been layd in, or near *Exchange Alley*, which Company has most Friends in the ensuing *Parliament*, and how many of the *Members* of each Company stand fairest to be chosen.

Those Gentlemen who have Intelligence, suit-

able to ſuch nice Calculations, are equally capable of Jobbing the whole Nation; and as is already noted, having gotten the way of Buying and Selling, that is Jobbing Elections, will ſoon influence ſuch Perſons to Act, as the Mony they are able to bid ſhall direct.

'Twou'd be but a melancholly Thought, to reflect that the matter of our Succeſſion, ſhou'd come to be debated before a *Parliament*, that had a Governing number of ſuch *Members*, who cou'd imagine but that the ſettlement of our Crown wou'd attend the higheſt bidder, and our future Liberty, Religion, and all that's dear to us, be Mortgag'd to the Bribes of Forreigners.

The *French* King need not keep great Armies on Foot, Build Ships, and Strengthen himſelf at Sea to Ruin us, if the great Affairs of the Kingdom concerted in Parliament ſhou'd come to be prepar'd, manag'd, and byaſs'd at *Garraway's* and *Jonathan's* Coffee-houſe, and expos'd to Sale by a parcel of Stock-Jobbers.

And how ſhall it be otherwiſe, they that can make Members, will always Govern Members; Creation ſuppoſes a Right of diſpoſing, the Gentlemen who Buy are Oblig'd to ſtand in good Terms with the Broker, leaſt they ſhou'd find a better

Chap-

Chapman, and leave him in the lurch the next Election, ſo that by the Nature of the thing, they are always ſubject to this Mercenary, Scandalous thing, call'd a *Broker*, and he keeps them under his Girdle, if he bids them Vote for, or againſt, they do it, the miſchiefs are endles and innumerable that maya ttend it.

To all Men whoſe Eyes are to be open'd with Reaſon and Argument, it ſhou'd be enough to fill them with abhorrence, to think that the Scandalous Mechanick Upſtart Miſtery of Job-brokeing ſhould grow upon the Nation; that ever the *Engliſh* Nation ſhou'd ſuffer themſelves to be Impos'd upon by the New invented ways of a few Needy Mercinaries, who can turn all Trade into a Lottery, and make the *Exchange* a Gaming Table: A thing, which like the Imaginary Coins of Foreign Nations, have no reality in themſelves; but are plac'd as things which ſtand to be Calculated, and Reduc'd into Value, a Trade made up of Sharp and Trick, and manag'd with Impudence and *Banter*.

That Six or Eight Men ſhall Combine together, and by pretended *Buying* or Selling among themſelves, raiſe or ſink the Stock of the *E. India* Company, to what extravagant pitch of Price they

they will, ſo to wheedle others ſometimes to Buy, ſometimes to Sell, as their occaſions require; and with ſo little regard to Intrinſick Value, or the circumſtances of the Company, that when the Company has a loſs, Stock ſhall Riſe; when a great Sale, or a Rich Ship arriv'd, it ſhall Fall: Sometimes run the Stock down to 35 *l.* other times up to a 150 *l.* and by this Method Buy and Sell ſo much, that 'tis thought there are few of the Noted Stock-jobbers, but what have bought and ſold more Stock than both the Companies poſſeſs.

Thus let them Jobb, Trick, and Cheat one another; and let them be bubbl'd by them that know no better; but for God's ſake, Gentlemen, do not let the Important Affairs of the State come under their wicked clutches.

Don't let them prepare our Acts of Parliament, and then chuſe Members to Vote for them. If Fate and *Popiſh* Confederacies, and Union of *Popiſh* Powers abroad threaten us: Let us alone to ſtruggle with them, and have Fair Law, and Honourable Conditions for it; but to be Bought and Sold, to have our Elections of Members, and our Laws, Liberties and Eſtates Stock-jobb'd away, is intollerable.

Some

Some, and not a few, of our Stock-jobbing Brokers, are *French* Men, a little Correſpondence between the *French Court*, and *Jonathan's Coffee-houſe*, with a Currency of *Louis D'ors*, will make ſtrange alterations here, if this method of Buying and Jobbing Elections ſhou'd go on.

The Parliament of *England*, is the Governing Council; their Breath is our Law, and on their Breath under the Direction of God's Providence, we all depend, the greateſt Nicety that is poſſible ſhould be us'd in chuſing Men of untainted Principles, and unqueſtion'd Wiſdom, to compoſe a Body ſo Eminent in their Power and Influence.

But to attempt to fill the Houſe with Mechanicks, Tradeſ-men, Stock-jobbers, and Men neither of Senſe nor Honeſty, is tricking at the Root, and undermining the Nation's Felicity at once; and 'tis a wonder the impudence of this attempt has not made them Stink in the Noſtrils of the whole Nation.

How can the King be encourag'd to place that confidence in his People, which he mentions in the late *Proclamation*, by which People, his Majeſty underſtands, the true Repreſentative Body Aſſembled in Parliament, if inſtead of a

true

true Repreſentative, the Houſe is fill'd with Elections Clandeſtinly procur'd by Tricks and Shams impos'd upon the People.

How can the King depend upon his Parliament, to carry him thro' any thing he ſhall undertake by their advice, if mercenary Men fill the Houſe, whoſe Suffrages ſhall be guided by the *Bribes* and private procurations of his, and the Nations Enemies?

How ſhall the Proteſtant Religion be Eſpous'd, and Defended, which wiſe *Men* ſay is in great Danger?

How ſhall Trade be Encourag'd, and Protected, and the Niceties of it Diſputed and Defended?

How ſhall Reformation of Manners, which is ſo much wanted, and which the King has ſo often Recommended, be promoted?

Are *Stock*-jobbers, Agents of Regiments, Taylors, and *Eaſt Iudia* Companies, Qualifi'd for theſe Works; or will any ſort of *Men*, who Purchaſe Elections with *Mony*, to bring to paſs private Intereſts and Parties, Eſpouſe theſe General Caſes on which the Welfare of the Nation depends.

Tell a Stock-jobber of the Union of *France* and *Spain*; of the *Muſcovites* breaking the Peace; of the Difference between the *Danes*, and the Duke of *Holſtein*, Tell him of a good Barrier in *Flanders* againſt the *French*, or of Aſſiſting the *Emperor* on the *Rhine*, (talk Goſpel to a Kettle Drum) 'tis all Excentrick and Foreign to him: But talk of the Great *Mogul*, and the Pirates of *Madagaſcar*; of Fort St. *George*, and St. *Helena*, there you'll hit him, and he turns States-man preſently.

It was a Famous Stock-Jobber; and one who is very likely to be a Parliament Man, who when ſome body was talking lately of the Election of the New *Pope*; and having heard the particulars very attentively, brought out this very grave Queſtion at the end ont. Well! ſays he, I am glad 'tis over, and don't you think that *Stock* will riſe upon't.

A Learned Queſtion upon the Caſe, truly; upon which, pray give us leave to ask another; And is't not pity,

But ſuch a one ſhould Repreſent the City?

You *Londoners* may make them Sheriffs, Aldermen, and Deputies, and Common-Councel

Men, and welcome; you know them, and they can hurt no body but themſelves.

But when you come to talk of Parliament Men, Gentlemen, pray conſider, 'tis the whole Nation lies at Stake, a Man may ſet his own Houſe on Fire, and welcome, provided it ſtands by it ſelf, and neither hurts nor endangers no bodies elſe, and the Law has nothing to ſay to him; but if it ſtands in a Town, or a City, he deſerves to be Hang'd, for he may burn out, and undo his Neighbours.

Nor are you chuſing Men to ſit in Parliament, as Perſons to Act for you only whom they Repreſent; but they are Repreſentatives in a double capacity, ſeparately conſider'd, every Member Repreſents the People who chuſe him, and all together Repreſent the whole Nation. Their right to ſit is ſeparately Devolv'd; but their right in Act, is conjunctively Inherent, every Man Repreſents the whole, and Acts for the whole, tho' he is ſent but from part.

The Fate of *Briſtol*, or *New Caſtle*, may be decided by a Member of *London*, or *Canterbury*, whoſe Vote on an equality of Voices carries it which way he pleaſes.

There-

Therefore *London* cannot ſay to *Briſtol*, or *New Caſtle*, What have you to do with our Election? or they to *London*, What have you to do with ours; why one bad Member may ruin a City, a Town, or Family, a Perſon, or perhaps all together; and if any Town, or City, or Burrough, or private Perſon, is pleas'd to give a Friendly Admonition or Caution to another, eſpecially if they ſeem to be proceeding againſt their own, or the Nation's Intereſt, they ought to accept the Hint, and reflect upon what they are doing with Honeſty, and reform it.

Upon this, we hope it ſhall be juſtified, that we have ventur'd to lay open the Villanous practices of ſome *People* to corrupt and procure Elections, in order to get Members into the enſuing *Parliament*, who ſhall ſerve a Turn, and a *Party*, without conſidering whether they are Men qualified for the other great Affairs, which are to be conſider'd there, and which His Majeſty has aſſur'd us, are of the higheſt Importance to the Kingdom.

F I N I S.

Therefore I may cannot fay to Duke, or Mis-
Cook, What have you to do with our Affairs?
neither to Lords, What have you to do with
our; why? is not Almighty may come Kings,
a Throne, Scepter, a Crown, or perhaps all o-
gether, and if any Words of City, or Burrough,
Corporation Cities, it is fit to give a friendly
Admonition of Conduct in an Affair, efpecially if
they learn to be proceeding against their own, or
the Nation's Interest, they ought to remove the
Hurry, and inform it.

Upon this, we hope it shall be justified, that
we have reason'd to fay upon the Villanous pro-
ceedings of fome People in Country and particular Pa-
liament, in which to go About to leave the en-
tering Parliament, who shall serve a King and a
Party, without considering whether they are
Men capable for the other great Affairs of a Nation
are to be considered there, and which His Majes-
ty has allur'd us, are of the highest Importance
to the Kingdom.

ZZ .2

THE

Present State of

JACOBITISM

CONSIDERED,

In Two Querys.

1. *What Measures the* French *King will take with respect to the Person and Title of the Pretended Prince of* Wales.

2. *What the Jacobites in* England *ought to do on the same account.*

By Daniel De Foe.

LONDON Printed in the Year, 1701.

12 2

THE PREFACE.

THE *Following sheets Contain a kind Invitatation to the Jacobites to come into the Bosome and protection of the Government.*

'Tis hoped none will be so weak as to suppose it proceeds from any Apprehensions of their party or interest in the World.

If any man ask me what Authority I have to make an Invitation, I answer, the Civility of our Constitution is an Invitation in its own nature, and since room is left by the Law for their return, it is but a piece of Extraordinary Charity to be willing to Receive them.

If they shall make an ill use of it themselves, I onely say this, they will be the more inexcusable, and the Nation *will be blameless if a Law shall ever be promoted to exclude them absolutely from either the Benefit or Protection of the Government they refuse to submit to: there are a sort of* Jacobites *who continue so, and yet do Swear to the present Authority, who visibly own King* William, *and yet declare themselves Friends to the Late King* James, *who Swear to one Government, but Declare for another.*

These

These must be Fools *or* Knaves; *if the First they are to be slighted, if the Last they should be punished; but let them be which they will, they are neither of them intended in the following Paper.*

If I may be the Instrument of Reconciliation, in bringing any English-Man *to his Duty, by prevailing upon his Reason, the End of this Undertaking is fully Answer'd.*

D. F.

These may be Proofs or Knaves; if the First they are to be Pitied; if the Last they should be punished: let them be which they will, they are worthy of them mentioned in the following Paper.

If I may be the Instrument of Reconciliation, or bringing any Disputants to this Decision, I am then sure the End of my Undertaking is fully achieved.

D. E.

THE Present State of JACOBITISM &c.

THO' the Death of King *James* does no way Concern this Nation, under the present Settlement; nor alter any thing in the present state of the Affairs of *Europe*, any more than the Death of a private Man; yet there are some Considerations which in time to come may alter the Case, and therefore it may not be at all Improper to Enquire what the rational Consequences of it may be.

For since the Enemies of the publick Peace of *Europe*, are diligent in taking all possible advantages to disturb us, Every man that wishes well to the Tranquility of the World, will be Enquiring into whatever may be made use of to Discompose it.

The Present *French* King has shown his willingness to Reinstate the late King *James*, as far as his utmost Power Extended, and they who Cry up that Monarch, and give him the Prophane Title of Invincible, wou'd do well to Enquire why he did not Re-establish him; and they may be Easily Answered, for the same reason that he did not Relieve *Namur*, or beat Our Fleet, even Because he could not.

The King of *France* himſelf muſt certainly have a very mean Opinion of thoſe Gentlemen of the Royal Academy, who on every Occaſion Compliment him, or Banter him rather, which the Giving Peace to *Europe*, when He, in the mean time knew the power of the Confederates was ſo much too ſtrong for him, that to procure Peace he ſaw himſelf under a Neceſſity of Deſerting his Friend and Ally who had Fled to him for Protecttion and Aſſiſtance.

And yet the King of *France* is not to be blam'd in his quitting the Intereſt of King *James* neither, but 'tis on this Score Only that he is to be Juſtified: For tho' as his Neighbour and Confederate, 'twas but Honourable he ſhou'd Eſpouſe King *James*'s quarrel, yet when he ſaw he was not Capable of reſtoring him, he was not bound to Ruin his own Kingdom in his defence.

And I have been Inform'd, that even the late King himſelf had ſo much Generoſity, as to deſire him not to let his particular Caſe, then grown Deſperate, Obſtruct the Concluſion of the Peace, which he ſaw was ſo Neceſſary to the preſent poſture of his Affairs.

The Peace therefore being the Only Effect of that Neceſſity, was made, and the King of *France* being reduc'd to the Neceſſity either of quitting King *James*, or continuing the War, methinks no man need go farther for an Argument to prove that he ſaw himſelf unable to carry on the War, becauſe he choſe to make the Peace, at the price of acknowledging King *William*, and relinquiſhing his diſtreſs'd Confederate.

King *James* being now Deceas'd, Two Grand Queſtions ſeem to offer themſelves to our Conſideration, and which are the Subject of Our preſent Enquiry.

1. *What*

1. *What Meaſures the King of* Franc *will take with reſpect to the Perſon and Title of the Prince of* Wales, *as they call him.*

2. *What thoſe Gentlemen in* England *will do who have hitherto adhered to his Intereſt, and who are call'd* Jacobites.

1. What Meaſures the King of *France* will take with reſpect to the Perſon and Title of the Prince of *Wales.*

When I ſay, What Meaſures he will take, I muſt be Underſtood what Meaſures in all Probability he may be ſuppoſed to take, or what his Intereſt will lead him to take, in that Caſe.

To Debate this matter, 'twill be neceſſary to ſuppoſe that the late King *James* having a Son alive, could not afford the *French* a Pretence of Bequeathing the Kingdom of *England* by Will, as has been practis'd lately in *Spain.*

And yet if he had, the acknowledgment of King *William* by the *French* in the Seperate Article of the Peace of *Reſwick* would have been an Inſuperable difficulty, which would have requir'd more Artifice than Ordinary in grounding any Rational Title upon ſuch a Will.

So that I cannot Foreſee upon what poſſible pretence the preſent King of *France* can acknowledge the Son of King *James* as his Succeſſor to the Crown of *England,* he at the ſame time having made a Peace with the poſſeſſor as King of the ſame Country.

For

For if he ſhould declare him Rightful and Lawful Succeſſor, it muſt be by the uſual Title of King of Great *Britain* and *Ireland*, which would either put him to deny King *William* again, in Contravention of the Solemn Peace of *Reſwick*, or leave a Riddle in the World which no man can Explain.

If he Diſhonour him altogether, he muſt then either withdraw his favour from the Diſtreſſes of his Friend, or fall in with the Opinion of his Illegitimacy, which is not likely.

The middle way between theſe two, and which to me ſeems the moſt rational way of acting, and moſt ſuitable to the Conſummate Wiſdom and Policy of the *French* Councel is to ſeem to ſtand Neuter, and ſuffer the Family and Reliques of the Late King to give themſelves what Names and Titles they pleaſe, and to make what preſumptive Declarations of Right they think Convenient; as to the Titles and Dignities which they ſhall aſſume in Compliment to their Perſons, the *French* Court may be at Liberty to grant them the Ceremony; for the Court, which is never wanting in Civilities, may find the Inſignificance of a Titular Honour to be of ſo ſmall moment, as not one way or other to weigh in the matter.

That this way of proceeding is probable to be the preſent Choice of the *French* Court, ſeems to me very plain, from the account we have from *Paris*, that the Horſe-Guards and Heralds of the late King, have at St. *Germans* already declar'd his Son his Succeſſor, by the Name and Title of *James* the Third of *England*, &c. King, *Defender of the Faith*.

But

But I do not in ſee any of the Accounts that the *French* King has caus'd any ſuch Declaration to be made by his Officers, or that any Viſits or Compliments from the Court at *Verſailles* have been made to the young Gentleman upon his Succeſſion, or that any of the Publick Miniſters have been allow'd to Congratulate his Acceſſion to this Dignity.

And 'tis eaſie to prove that this way of proceeding is the true Intereſt of the preſent Court of *France*, with reſpect to preſent Circumſtances and future Accidents.

And to make it appear that this is no Irrational Conjecture, 'tis neceſſary to lay down the ſeveral uſes which according to the Modern Politicks of Princes this method may be applied to; and if it is likely to ſerve more turns this way than any other, there is no doubt but the *French* Court, who are Generally as Quick-ſighted as any Body, will Chuſe this way as moſt proper for their purpoſe.

1. By this method there is no Offence or Umbrage given to the *Engliſh* Court, with whom 'tis neceſſary to obſerve ſome Meaſures, at leaſt as long as *Monſ.* thinks it neceſſary to keep the Peace: For whereas the *French* King has not thought fit to Declare himſelf for the Rights of the young Gentleman of *VVales*, the King of *England* cannot take it amiſs, nor can have no pretence to Complain as to what his own Domeſticks have done in point of Ceremony, to ſatisfie themſelves; He *the King of France*, is no way Concern'd in it, and looks on it as a thing of Courſe, with no manner of Conſequence attending it; ſomething like the Duke of *Orleans* proteſting about his Dormant Right to the Kingdom of *Spain* in caſe of Failure of Iſſue, that 'tis beſides a thing done without his privity or conſent, and with which he does not pre-

tend

tend to have any thing to do; and therefore the matter is nothing at all to the Peace of *Reſwick*, and the like.

2. By this Method a Ground plot of Miſchief is properly laid, when ever *Mounſieur*, or his Succeſſors think it Convenient to give the *Engliſh* any Diſturbance underhand. The pretence of this Dormant Title being kept on Foot, will never fail to adminiſter ſufficient cauſes of Difference, and the *French* are too ſubtle a Nation not to know how to Improve that point to their advantage, whenever they ſhall find an occaſion.

3. This may be uſeful to them, to keep alive a Male-contented party in *England*, who may always be aſſiſtant to ſlacken our Motions, Embaraſs our Councils, and Embroil our Government: The *Jacobits*, if they ſee their Cauſe likely to be Eſpous'd, are as willing to retain the Inveteracy of their Spirits as poſſible, and giving them but a ſmall Encouragement, will always keep them in being, for Malice, like the *Chamelion*, will live upon Air.

4. By this paſſive way of ſeeming to ſuffer only, and as it were without his conſent, what he at the ſame time directs to be done, he finds the way to oblige and pleaſe the Parties, and prevent their deſpairing of his further aſſiſtance, and conſequently either making Terms of accommodation with *England*, on account of the late Queen's Dower, relinquiſhing the Claim they cannot ſupport; or their flying to the protection of other Princes, and ſo for ever depriving the Houſe of *Bourbon* both of the honour they boaſt ſo much of, in being the Refuge of diſtreſſed Princes, and of the advantage of any after-gamethey may have to play.

So

Some may Object here, that the *French* King has own'd him as King, paid a Visit to him, and received a Visit from him in that Capacity.

If we must Argue from *French* Conduct, we must bring *French* Arguments; 'tis a small shift for a *French* man to say that they distinguisht between a King Regent and a King Titular; that the Title having been once Legally the late King *James*'s may as Legally Descend as the Title of a Duke, tho' another may be possest of his Estate; and this may be no bar to his Confederate King *William*, who is King Regent that this is a Concession of Honour to the Son of a King who cannot lose the Title, tho' he may the Possession; That, tis not his part to consider King *Williams* Title any farther than the Peace of *Ryswick* requir'd; but for King *James* his Title 'twas not expected nor articled in that Treaty, that he should not be call'd King of *England*; and it can no more be a breach of the Peace to call his Son King of *England*, than it was to call his Father so: And besides all, this is but the Civilities of a Court, and Matter of Honour to Families which no way concerns nor need not Disturb the *English* Court: For while the Article of Lending assistance is kept Entire, this Trifle need give no ground of Dissatisfaction to any body.

These and more such as these are sufficient to answer all the Elevated Arguments of the Friends to that Interest.

Upon the whole matter, it seems to be rational, that the King of *France* suffers him to be proclaim'd

by his own Domesticks, as a thing he no way concerns himself about. That if hereafter he finds his Title usefull to his designs, it is preserv'd for that purpose, or if he finds it useless to him, it stands as it does, dropt in silence, and of no manner of signification one way or other.

I might be allow'd to Instance as a ground of this Supposition the very same proceedings which this Very King of *France* made use of to King *Charles* the Second, and the late King *James*, when he found it necessary for his affairs to enter into a League with *Oliver Cromwell*.

The two Princes, and indeed the whole Royal Family had taken Sanctuary at the *French* Court, and they met therewith a very kind reception. But when *Oliver Cromwell* by the Terror of his Arms had made himself formidable to *Europe*, and was sought to for his Friendship and Allance by several *Princes*, and amongst the rest the *French* thought themselves Obliged to seek his Assistance against the *Spaniards*; *Cromwell* so well knew how to make his Market of the *French*, that he would not Treat with them but upon the Conditions of Expelling *Charles Stuart as he call'd him*, and his adherents out of his Dominions. The *French who know better than to stand by any body longer than their own Intrest will allow it*, immediately, but with infinite Ceremonies and soft Words Complimented them out of their Country; by this means they made way for their league with the possessour, and yet found ways secretly to oblige the Princes, that they might serve themselves of them in any future occasions: And found afterward the pensions or other private Recompenses the

French

French made them, were such that the Princes never resented the usage they had received.

I come now to the Second and Main Question.

What shall our Jacobites do in this Conjuncture?

First, I say This is the only Opportunity they have to come off with Honour, and perhaps they may never have another; they have kept up to their Old *Fly-Blown* Principles of absolute Alleigance, as long as the nature of the thing requires, they have stood by the Cause to the last: and now their Prince is Dead, what shou'd they do? There is a Fair and in its own Nature a very just pretence for coming into the General Union of their Native Country, and submitting to such a Government as the Law has Established, since their old allegiance being preserv'd to the Death of the Prince, cannot but expire with him

The greatest Plea that I have met with, at least from men whose Character has any thing in it to deserve Esteem either for sense or Honesty, is this.

That having sworn an absolute Allegiance to the late King, they could not find that any humane Power cou'd Dispense with their Oath, and Consequently not with their allegiance so long as he liv'd.

I shall not trouble the Reader here with my Exceptions against this Doctrine, nor to Confute the Argument of Absolute Allegiance, I shall not medle with the proving all Allegiance Conditional, and the Obligation Reciprocal, things which have long since been Sufficiently prov'd; but I shall Discourse with these Gentlemen in their own way,

and

and ſuppoſe for once, *tho' I do not grant* that they have hitherto been in the Right, and done nothing but their Duty.

Truly if any man was really Convinc't in his Conſcience that it was his Duty to preſerve his Allegiance to King *James* and none other, and that it would have been perjury to ſwear to the Government, and this realy and Cordially without private intereſt or Deſign, ſuch an one tho' his ignorance were in it ſelf a Crime, yet was in the right to Diſſent, and could not have Complyed without a manifeſt Crime, *for whatſoever is not of Faith is Sin.*

But not troubling our ſelves with what principles or reaſons has been the Ground of any mans Non-compliance with the Laws in this Caſe, as forreign to the Queſtion, let us Examine what they ought to do now.

And when I enquire here what they ought to do now, *I* am not to be Underſtood what is their preſent Duty, what the Law Commands, for that in plain, they ought in that reſpect to ſubmit to the Preſent Government.

But *I* mean what they ought in their right ſenſes and for their own *Intereſt* to do; what Rationally arguing they ought to do with Conſideration to themſelves onely.

Firſt, *It* cannot be pleaſant nor Eaſy to any Man of Underſtanding, to be at Enmity with, and ſuſpected to the Government he lives under, and therefore it is not to be ſuppos'd but every man would Comply with the Laws, Submit to and be eſteem'd by the Government of his native Country, if he had not ſome Reaſon at leaſt to himſelf to the Contrary, which reaſon muſt be of more Weight to him in the caſe, than his own Tranquility; it cannot be eaſy to any man to be ſuſpected of Diſaffection to the

Go-

Government: On all publick diſſatisfactons he is Searcht, and Examin'd, and ſometimes ſecur'd, in publick uproars he is expo s'd to be Mob'd, and plunder'd; and he is Certainly Excluded from partaking of the Common preferment, Honours and publick Employments of his Country. Therefore I take it for Granted no man will expoſe himſelf to all theſe inconveniences without very Weighty Conſiderations, and very ſufficient cauſes, which cauſes being once removed, he that does not then come in, muſt have ſtill ſome other cauſes than he formerly pretended; unleſs you will Imagin ſome obſtinate people, that will differ from themſelves and all mankind for no reaſon at all, and theſe are not worth Conſideration.

Now the Life of the late King being Ceas'd, by the periods of Providence, all thoſe who ſtood out on account of their Allegiance to him, which being ſworn to, could not, as they ſuppos'd, be diſſolv'd but by his demiſe, can now have no rational pretence from that Argument to juſtifie their refuſing to comply with the call of the Law, and the Revolution of Providence; if any of theſe ſhall yet ſtand off, they muſt needs have ſome other Reaſons for it than Obligation to their Oath, and ſo only made that a Hypocritical pretence.

If any ſhall ſay their Oath is binding to his Poſterity, and from thence raiſe another Scruple to make themſelves ſtill uneaſy; tho' it be indeed a very Wild notion, yet it may require a Conſideration.

Suppoſe you have Sworn allegiance to the late King and his Succeſſors, and that you believe that Allegiance to be abſolute and not Conditional.

It is then to be inquired who is this Succeſſor ?

Firſt, The Law can admit no Succeſſor but a Lawful Succeſſor ; if the word Succeſſor be to be taken without the addition of Lawful, then he is the ſucceſſor who ſucceeds in the poſſeſſion of the Crown, tho' he be a Tyrant, a Uſurper or any thing, and your Allegiance is Tranſpoſed not with the Line of *Deſcent*, but with the poſſeſſion, let it be to whom it will; and this part of the Argument is againſt you Directly.

But if by Succeſſor is meant a Lawful Succeſſor, then who is a Lawful Succeſſor ? I anſwer, he, who by the Laws and Statutes of the Realm ought to ſuceeed.

Now the Laws of *England* Expreſly ſay, *That a Popiſh Prince has not, nor ſhall have any Legal right to the Imperial Crown of this Realm.* This is Law, and a Law Gentlemen, of your own making, for you and I and every Free-holder of *England* have made thoſe Laws, and Conſented to be Govern'd by them.

And the Parliament, who are the Expoſitors of our Law have declar'd in that Famous Reſolution of the 3. *Feb.* 1688. *That it is Inconſiſtent with the Laws and Liberties of this Proteſtant Nation, to be Governed by a Popiſh Prince.* This is not a new Law, made under a Government you Diſallow, but a Declaration of that which was Law before, and is ſince Confirm'd by ſeveral Acts of Parliament to be the Eſtabliſht Right and Inheritance of the People of *England.*

Now if a Papiſt cannot Legally Succeed, and your Suppoſed Prince be a Profeſs'd Papiſt, then he is not the *Lawful*

Lawful Succeſſor to whom you have ſworn your Allegiance.

I know not one Objection can be made againſt this Argument, unleſs you will have Recourſe to the Old Exploded Doctrine of the Divine Right of Princes, that Kings *Jure Divino* have an Inherent Right of Succeſſion, without the Subordination to Laws, and ſubject to no Regulations nor Reſtrictions; this Doctrine is ſo Ridiculous, that I think it requires no other Reply than to tell you that all the Ancient profeſſors of that Contradiction *who have out liv'd it*, are aſham'd of it.

If this Doctrine had any truth in it, we are all in the wrong to oppoſe the Dutcheſs of *Savoy*, who has an Indiſputable Right to the Crown, and if the prince of *Piedmont* ſhould dye, *Madam the Dutcheſs of Burgundy comes* in, and ſo in the next age you'l be all One *Empire* Under the Government of *Lewis* the *16th*.

On the Condition this Doctrine were true, I believe we ſhould all Call for the Prince of *Wales* or any body, rather than come under a *French* Government again.

Your Allegiance therefore being Sworn to King *James*, *be it as abſolute as you pleaſe*, is Expir'd with him, and you can have no Colour for withſtanding the Call of God and the Nation; for if you are ſworn to his Succeſſor, if it be his Lawful Succeſſor only, *it cannot be his Son*, becauſe by the Law he cannot ſucceed, if it be the Succeſſor whether Lawful or no, that is the Succeſſor in poſſeſſion, and both lead you Directly to the preſent Eſtabliſht Government of King *William*.

Wherefore then can any honeſt *Engliſhman* now ſtand Out? why Gentlemen ſhould ye Labour to Interupt the the Settlement and Peace of your Native Country? your

Scruple

Scruple of Conſcience is at an End. Be it that you had rather have the Son of your Late Maſter, ſuppoſing he be his Son, yet you ſee the probability of it is Declin'd to almoſt an Impoſſibility ; your pretence of juſtice and Obligation is gone, you cannot act now but upon the Principles of Obſtinacy and Indiſcretion ; allow your Allegiance was due while the late King Liv'd, you have ſhown your Loyalty to the Extremity, you have liv'd in the uneaſy Circumſtances of Perſons Diſaffected ; *yeu of the Clergy have loſt your Benifices, Courtiers your Imployment, Gentlemen have paid Double Taxes,* you have ſtood out to ſee if his Friends could reſtore him, you have preſerv'd you Loyalty to his Death, like men of Honour; Now he is dead the Caufe of your Sufferings is over, there is no reaſon you ſhould be *Eternal Confeſſors,* for the cauſe which is dead with the Maſter; you have ſhown your ſelves (you at leaſt whoſe principle was meer Conſcience) *men of Concience,* what can be requir'd more of you but, that your Allegiance being Diſſolved, you ſhould accept the Invitation of your Countrymen, to unite with us in One Body and One Intereſt, under One Proteſtant Prince, Concurrant with the Laws of the Land, and your own undoubted Intereſt ?

The Mildneſs of the preſent Government, and the willingneſs of your fellow Proteſtants (for tis to ſuch only as are Proteſtants, I direct my diſcourſe) to receive you to equal advantages with themſalves, ought to be no ſmall Conſideration with you, here is no limited time ſet you, beyond which you are not to expect the Entertainment of Subjects ; the Government has afford-ed you Equal protection, tho' you have not own'd your Subjection

Subjection to that, you have had Equal Juſtice in caſes of Right, and have had the benefit of the Laws, tho' you have not ſhown your Obedience to the Law.

Had you Liv'd under the Deſpotick Government of *Lewis* the 14th, you would have found before now, *if you had been ſo fond of your old Maſter, you muſt have gone to him*, for there would have been no living for you; you wou'd have had a time ſet you to comply, or depart the Kingdom; you would have had no benefit of the Law to recover your Right, but have been Obliged to do every man Right, and bear every wrong: In ſhort, you would Certainly have found worſe Treatment than you have met with here; for here the Government has left all the Doors open for your Reception, not doubting but time and Reflection would ſometime or other bring you over to ſee your own Intereſt, and to joyn in the Publick Benefit of your Native Country.

In the late Civil Wars of *France*, when after the Death of *Henry* the Third, the Crown fell by Deſcent to *Henry* the *Fourth*, the Popiſh Nobility who had united together, pretending he was a *Hugonot*, maintained a Vigorous War againſt him, which they cal'd a War of Religion, and in all their Treaties and Conſultations, 'twas agreed that his being a *Hugonot* was a ſufficient Objection, and a Warrant for them to Depoſe and Fight with him—But when afterwards that King finding his principal Friends going to forſake him, turn'd *Roman Catholick*; the Arguments of the League fell to the Ground, and the Cityes who came over to the King Expoſtulated then with the Lords of the Union.

" *That ſo long as Religion was the Queſtion in debate they* " *had born with Patience the hazards and Difficultyes of the*

" *War, and neither the Charge nor the Sufferings they had* " *Undergone, had been able to remove them from the Con-* " *ſtancy which they had profeſs'd for their Religion ; but now* " *ſince that Obſtacle was remov'd, and the King was come over* " *to the* Catholick Religion, *they ſaw no reaſon, the end of* " *the War being Anſwer'd, and Religion Secur'd, why they* " *ſhould Continue the War, to gratifye the private Deſigns* " *of Ambitious men, who ſought to make their Fortunes out of* " *the Ruin of their Native Country* ; and the Duke of *Main* himſelf, tho' in his ſecret Deſigns he aim'd to be Declar'd King, yet finding that Impracticable, and that he had now no pretence of Religion left, the *Pope* having abſolv'd and Acknowledg'd him, choſe to comply and ſubmit to the King, rather than to betray his native Country to the *Spaniards*, tho' they had always been his Supporters.

The Story is worth your Reading Gentlemen, for which I refer you to D'*Avila's* Hiſtory of the Civil Wars of *France*.

And will you be found leſs Careful of your Native Country than *the Duke De Main*, now your Pretence of Allegiance is over, and your having nothing left to contend for : Your Religion, Laws and Liberties are ſecur'd, there can nothing remain but betrayeing your Native Country to the *French*.

Here is a very fair Queſtion to be ſtated among your ſeves, To what Purpoſe ſhould you now ſtand out ? 'Tis viſible the King of *France* is not able to protect your cauſe, tis apparent by the paſt Experience of the late War, he has been oblig'd to make a Peace and leave out the late King *James:* nay there is not one ſeparate Article in his Favour, but as if he had never pretended to

do

do any thing for him, his Name is not so much as mention'd in the whole Treaty, no Minister suffered to appear in his behalf at the Palace of *Ryswick*, and All the *French* King could do for him was to give him bread for Gods sake; he could not procure him One Foot of Land in *England*, and was forc'd to own the present King, and Cloath him with his Title, who all that while before he treated as Prince of *Orange* onely, and his mortal Enemy: now can there be any Secret hopes left sufficient to Delude you with Expectations of his bringing it to pass, after all this, when after Ten Years Essay, he was on very Indifferent Terms obliged to make Peace.

Some I understand buoy up their hopes, with the accounts the News Papers gives how obliging the King of *France* has been to the Late Queen, and the Young Gentleman who now calls himself King.

The King of *France* is a Gentleman, as well as a Great King, and over and above what has been said already, was pleased to Comfort the Family for the loss they received with promises of his Favour.

But pray let us examine a Little how far he has gone, and we do not find there is any thing yet done to Contradict what I have here laid down; *The Matter of Fact is as follows.*

The *French* King hearing how ill the late King *James* was, came on the 3*d*. of *September* old stile, in the Morning to St. *Germains*, to see him, and having Entred the Chamber where his late Majesty lay, and finding him Speechless, and as we Express it, *a Dying*, he call'd the Queen and the *English* Gentlemen together into the Antichamber, and speaking very kindly to them, told them he would take the same Care of the Son as he had done of the

the Father, and would Treat him in the same Quality: then one of the Company advanc'd (I could name *who* also, if it were convenient) Kneeling to the King, in the name of the Queen and her Son Humbly thank'd his Majesty for his goodness to them, and desired Leave of his Majestie to Proclaim the Prince of *Wales*, to which the King Answered, that they might with all his Heart; in a few Hours after the Old King Dyed, and they accordingly Proclaim'd the Son.

Now you are to Understand, that on the 27th of *August* being about a Week before, after the King of *France* had an account of the Condition of the Late King, upon his first illness and Vomiting Blood, a Secret Council was held, in which all these Measures were Concerted, and the Late Queen was from thence Instructed how she was to act, all her steps being then laid out.

This I have so good Authority for, that I suppose no Body will attempt to give any Certain Objection against it.

Now were I a Jacobite, I could not for my Life find One Clause of comfort in all this Story.

The King assures them of his Favour, and he will Treat the Son as he did the Father, and own him in the same Quality, and they may Proclaim him King if they Please.

First, He assures them of his Favour, that is, that he will allow the same Pension for their Support as he did before; and truly that is very kind too. Next he will Treat him as he did the Father, *That is, he will call him Le Roy Jague*, give him the Palace of St. *Germane en Laye*, to keep Court in, allow and maintain his Guards, and the like;

and

and these are great things too; but to Treat him as he did his Father, Includes also that as for his Title to the Crown of *England*, he is obliged to lay it aside, and to Acknowledge another, and so it must be still.

As to giving them leave to proclaim him, they may do that and Welcome; for if ever occasion shou'd offer, it is a preserving his Claim, and if a pretence be ever wanting to Embroil *England*, there it will be at hand.

But in all this I see not one word to Encourage an *English* Jacobite to continue his hopes of another Revolution; I cannot see probability Enough in it to make the Expectation Rational, or that any Wise man can Answer it to Common Prudence, to Expose himself any longer to the Inconveniences of being suspected and counted an Enemy to the Government for the cause; I cannot see any Consideration of so much Value as to make *a Clergy man leave a good Liveing for it, or a Gentleman pay Double Taxes.*

We are now Speaking of Politick Reasons, the point of Conscience is spoken to already; but in Point of Interest, while the War was on foot, and no body knew who wou'd have the best, our King *James* alive, and his Friends here numerous, there was some sense, *tho' not much*, in preserving your hopes and Wishes, and Distinguishing your Selves for him and his cause, that if he had come again he might have Distinguish'd you in his Favours, and you that had been *His Confessors here*, might have expected to have been Aldermen and Aldermens Fellows in the city upon his Return.

But now the Man's Dead, and the cauſe given over, it's Protector Tired, the preſent Government own'd, and the King acknowledg'd; and no body left to appear for you, the Heir *if he be a true one* kept of Charity, and the King of *France* ſworn *by his Honour* and *on the Word of a King* never to aſſiſt him, Friends at home Diminiſhed by death, and Diſhearten'd by Sufferings, what one reaſon can a Wiſe Man give himſelf why he ſhould not comply with the Laws of the Land, and ſubmit, at leaſt be paſſively Obedient to a quiet and Legal Government, able to protect him, and willing to receive them; to which the Laws of the Land require, and nature Obliges a Due Submiſſion.

If all that's ſaid will not Convince people, who reſolve to be blind, I muſt ſay, they will never have ſo juſt a pretence and ſo happy a juncture, to forſake an old Thred-bare cauſe, with ſo much Honour as they have now.

I cannot diſmiſs this Matter without making a Few Obſervations on the Death of this unhappy man; I am no Dreamer of Dreams nor Obſerver of Omens; But the Conjunctions of Periods of Circumſtances in the Actions of Princes, ſeem to have Strong Intimations in them of the Secret Concurrence of things with their Cauſes.

'Tis Obſerv'd with ſome Reflection by the Curious in ſuch Enquiries, that the Preſent Young King of *Swedland* Fought the Battle of *Narva* and with Twenty Thouſand men, defeated a Hundred and Twenty Thouſand *Moſcovites* on the ſame day of the Year that the *Czar* had Sworn to the Peace between the Two Nations, which he perfidiouſly broke without any provocation.

It has often been obſerv'd alſo, that *Oliver Cromwell* dy

ed-

ed the ſame day of the year, that he Fought two famous Battails againſt his Soveraign, the Battle at *Dunbar*, and the Battle at *Worſter*.

I Crave leave to make only two Particular Remarks about Periods of Times in King *James*, and let others make Reflections on them as they think fit.

I Omit the Several ill Omens at his Coronation, as the Tottering of the Crown upon his Head, which was endeavour'd in vain to be ſet right by a Certain Biſhop; the breaking of the Canopy over his Head, the Picture of his Head hung up in a Sign in *Grace Church-ſtreet*, which blew down and broke in pieces: The Arms of *England* Blowing out of the Royal Standard on the *Tower*, all on his Coronation day, and many ſuch Remarkable things which happen'd about that time.

But the two Following, I cannot but own are Remarkable;

1. That the very ſame day of the Year that he aſcended the Throne, and that King *Charles* the Second dyed, *whether fairly or not I will not Examin*; the ſame day of the year he was voted Abdicated by the Houſe of Lords, and the Throne Declar'd Vacant.

2. That he Dyed the ſame day of the Year that the City of *London* was deſtroyed by Fire, the 3d of *September*, whether he had any hand in that deſtruction is a Queſtion I cannot Reſolve.

Some who are near Related to the Families who ſuffered under him, ſuch as Collonel *Sydny*, *Armſtrong*, *Corniſh*, *My Lord Ruſſel*, and the like, whoſe Blood they lay at his Door, make an Obſervation that he Dyed of a Flux of Blood both upward and downward, which continued till nature was perfectly Exhauſted, and then a *Lethar-*

Lethargick Vapour, as is usual in such cases, seiz'd on him, in which he Dyed.

It is also remarkable, that to prevent the Observation of his dying on the 3d of *September*, it has been carefully ordered, that from St. *Germans* they Write he was not quite dead the 5th. But upon better Information I am assur'd he was taken with his last Fit on the Second, and dyed on the Third, but continued Warm an unusual Time after his death, which is all the pretence from whence the last Report can be justified, for he neither Spake, Stir'd, nor could be perceiv'd to Breath after the 3d.

I have not ill nature enough to make Satyrs upon the Dead, nor *to mix the Misfortunes of a Man with his Crimes*, and therefore having given the Remarks, I leave every one to his private Opinion.

I am not examining neither the Right of the People to depose Princes, and Transfer their Allegiance; possibly a great many well meaning Gentlemen, might in Honour, and Conscience too think themselves Oblig'd to stand out, in regard to their Former Oaths, and could not comply with the present Government, while the Person to whom They had Sworn was alive: Tis not the present business to Examine their Reasons for that.

But now the Obstacle is removed, Providence has finished his unhappy Life, *God's Peace be with his Soul*: You can have now no substantial Reason in Conscience, and less in Prudence, why you should not make your selves Easy, and rejoyn your Selves to the Interest and Government of your Native Country.

LONDON. Printed for *A. Baldwin*, at the *Oxford Arms* in *Warwick-lane*. 1701.

LEGION's

New Paper:

BEING

A Second Memorial

To the *Gentlemen* of a LATE

House of Commons.

WITH

LEGION's Humble Addreſs to His Majeſty.

LONDON,
Printed; and Sold by the Bookſellers of *London* and *Weſtminſter*. 1702.

A Second Memorial

To the Chairman of a Leave

Bank of Commons,

WITH

A LETTER

LEGION's NEW PAPER, &c,

Gentlemen,

THE greateſt reſpect which cou'd poſſibly have been ſhown to you by the People of *England*, had been to have let your Actions have ſunk into forgetfulneſs, and in kindneſs to you, have let neither you nor your Deeds have been nam'd any more in your Native Country.

But ſince thoſe People who (in your Houſe) were ſo reſtleſs in their Endeavours to ruin us, are not aſham'd to undertake your Defence: We are oblig'd in the juſt Vindication of our Native right further to expoſe your Errors, than in Charity to your Memory we deſign'd.

We are bound to let the People know, that a late Pamphlet Printed by your own Club, and induſtriouſly ſpread over the whole Nation, Entituled, *A Defence of the laſt Parliament*, is calculated to Wheedle the People to Chooſe you again.

But we hope their Eyes will be open'd. And we wonder you can ſuggeſt that the Free-holders ſhou'd ſo contradict the Language of their Addreſſes, and be found ſo to Mock the King and the Nation, as to Addreſs you out of Doors, and then put you in again themſelves: if they ſhou'd act ſo unaccountably, *Kings for the future will the better know what* Engliſh *Addreſſing ſignifies.*

Gentlemen,

The ſame Hand that preſented your Speaker with a Certain *Memorial*, call'd the *Legion Paper*, written, as Mr. *Harley* very well knows, in a hand that ſtood the Wrong Way; *that Paper* which came, as is ſaid, from Two Hundred Thouſand *Engliſhmen*; *that Paper* which frighted Mr. *P.* and Mr. *H——t*, and ſeveral others into the Country; *that Paper* which Mr. *Howe* in a lamentable Tone told the Houſe, made him *from the ſenſe of his own Guilt*, afraid of his Life; *that Paper* which put you all ſo beſides your ſelves, as to make a ſenſleſs Addreſs to His Majeſty, to defend himſelf againſt His People; which Addreſs you were afterwards aſham'd to preſent; *that Paper* which you had ſo little Wit as to read, and ſo much Modeſty, that *is Guilt*, as to bluſh at; *that Paper* which made you wiſh you had never Committed the *Kentiſh* Petitioners, and made you afraid to proſecute them; *that Paper* which made you clap up the Seſſions in ſuch haſte, as made the Lords baffle you, and all the Nation aſham'd of you; *that Paper* which made you paſs one good Vote at parting, to *Deſire the King to make Alliances*, &c. which ſome of your Members call'd a Sweetner, that you might not be afraid to go home: The ſame hand preſents you with this Paper, as the true ſenſe of the Nation concerning you.

The Author does not come *Incognito* as before, but you may ſee it at the Corner of every Street, every Bookſeller can ſell it you, every *Engliſhman* has it in his Head; and your Humble Servant the Author is to be ſpoken with at his Houſe as conſtantly as a Quack-Doctor, from Eight to Twelve in the Morning, and from Two till Nine at Night.

It had been time for your Defender to have Voted the Author of *Legion* to *Tyburn*, when the Charge there given you in the Name of the People of *England* had been clear'd.

And the Author tells you, he will be content with that Fate when you will fairly disprove one Article of that yet unanswer'd Paper.

There you may see, Gentlemen, that the Nation's Exceptions at your Behaviour, are not to be reduc'd to Three Heads of your own making; the first of which no Body never charg'd on you, but your new Defender; but if we mistake not, there are no less than Fifteen Articles of Illegal Proceedings, from one of which, you, nor all the Men alive, cannot fairly purge you, which for your better Satisfaction are here transcrib'd.

'I. To Raise Funds for Money, and Declare by 'borrowing Clauses, that whosoever Advances Money on 'those Funds, shall be Re-imburs'd out of the next Aids, 'if the Funds fall short; and then give Subsequent Funds, 'without Transferring the Deficiency of the former, is 'a horrible Cheat on the Subject who lent the Money; a 'Breach of Publick Faith, and destructive to the Honour 'and Credit of Parliaments.

'II. To Imprison Men who are not your own Mem-'bers, by no proceedings but a Vote of your House, and 'to continue them in Custody *Sine Die* is Illegal; a Noto-'rious Breach of the Liberty of the People; Setting up 'a Dispensing Power in the House of Commons, which 'your Fathers never pretended to; bidding defiance to the '*Habeas Corpus* Act, which is the Bulwark of Personal 'Liberty, Destructive of the Laws, and Betraying the 'Trust repos'd in you. *The King at the same time being 'Obliged to ask you Leave to continue in Custody the Horrid 'Assassinators of His Person.*

'III. Committing to Custody those Gentlemen, who 'at the Command of the People (whose Servants you 'are) and in a Peaceable way put you in mind of your 'Duty, is Illegal and Injurious; Destructive of the Sub-'jects Liberty of Petitioning for Redress of Grievances,

'which

'which has by all Parliaments before you, been acknow-
'ledged to be their undoubted Right.

'IV. Voting a Petition from the Gentlemen of *Kent* 'Insolent; is Ridiculous and Impertinent, becauſe the 'Free-holders of *England* are your Superiours; and is a 'contradiction in it Self, and a Contempt of the *Engliſh* 'Freedom, and contrary to the Nature of Parliamentary 'Power.

'V. Voting People Guilty of Bribery and Ill Practices, 'and Committing them as aforeſaid, without Bail, and 'then upon ſubmiſſion and kneeling to your Houſe, diſ-'charging them; Exacting Exorbitant Fees by your Officers, 'is Illegal, Betraying the Juſtice of the Nation, Selling 'the Liberty of the Subject, encouraging the Extortion 'and Villany of Goalers and Officers; and diſcontinuing 'the Legal Proſecutions of Offenders, in the ordinary 'Courſe of Law.

'VI. Proſecuting the Crime of Bribery in ſome to ſerve 'a Party, and then proceed no further, tho' proof lay 'before you, is Partial and Unjuſt; and a Scandal upon 'the Honour of Parliaments.

'VII. Voting the Treaty of Partition Fatal to *Europe*, 'becauſe it gave ſo much of the *Spaniſh* Dominions to the '*French*, and not concern your ſelves to prevent their 'taking Poſſeſſion of it all. Deſerting the *Dutch* when 'the *French* are at their Doors, till it be almoſt too late 'to help them; is Unjuſt to our Treaties, and unkind 'to our Confederates; Diſhonourable to the *Engliſh* Na-'tion, and ſhews you very negligent of the Safety of *Eng-'land*, and of our Proteſtant Neighbours.

'VIII. Ordering immediate Hearings to trifling Petiti-'ons, to pleaſe Parties in Elections; and *Poſtpone* the Pe-'tition of a Widow for the Blood of her Murthered

'Daughter

'Daughter, without giving it a reading; is an Illegal 'delay of Juſtice, diſhonourable to the Publick Juſtice of 'the Nation.

'IX. Addreſſing the King to diſplace His Friends up-'on bare Surmiſes, before any Legal Tryal or Article 'prov'd; is Illegal, an Inverting the Law, and making 'Execution go before Judgment; contrary to the true 'ſenſe of the Law, which eſteems every Man a good Man 'till ſomething appears to the contrary.

'X. Delaying proceedings upon Capital Impeachments, 'to blaſt the Reputation of the Perſons, without pro-'ving the Fact; is Illegal and Oppreſſive, Deſtructive of 'the Liberty of *Engliſhmen*, a delay of Juſtice, and a 'reproach to Parliaments.

'XI. Suffering Sawcy and indecent Reproaches upon 'His Majeſties Perſon, to be publickly made in your 'Houſe; particularly by that Impudent Scandal of Par-'liaments *J——n H—w*, without ſhewing ſuch reſent-'ments as you ought to do. The ſaid *H—w* ſaying 'openly, *That His Majeſty had made a Felonious Trea-'ty to Rob his Neighbours*; *inſinuating that the Partition 'Treaty* (which was every way as juſt as blowing up 'one Man's Houſe to ſave another) *was a Combina-'tion of the King to Rob the Crown of* Spain *of its due*; 'This is making a *Billingſgate* of the Houſe, and ſet-'ting up to *Bully* your Soveraign, contrary to the in-'tent and meaning of that freedom of Speech which you 'claim as a Right; is ſcandalous to Parliaments; Undu-'tiful and Unmannerly, and a Reproach to the whole 'Nation.

'XII. Your S——r Exacting the Exorbitant rate of '10 *l. per Diem* for the V—s, and giving the Printer in-'couragement to raiſe it on the People, by ſelling them 'at 4 *d. per* Sheet; is an Illegal, and Arbitrary exaction,

'diſ-

'dishonourable to the House, and burthensome to the 'People.

'XIII. Neglecting still to pay the Nation's Debts 'Compounding for Interest, and *Postponing* Petitions; is 'Illegal, Dishonourable, and destructive of the Publick 'Faith.

'XIV. Publickly neglecting the great Work of Re-'formation of Manners; though often press'd to it by the 'King; to the great dishonour of God, and encourage-'ment of Vice, is a neglect of your Duty, and an abuse 'of the Trust repos'd in you, by God, His Majesty and 'the People.

'XV. Being Scandalously Vitious your selves, both in 'your Morals, and Religion; Lewd in Life, and Erroneous 'in Doctrine, having publick Blasphemers and Impudent 'denyers of the Divinity of our Saviour, among you, and 'suffering them unreproved and unpunished, to the infi-'nite regret of all good Christians, and the Just abhor-'rence of the whole Nation.

The best Shift that ever was found yet to help you was by Sir *Humphrey Mackworth*, that you are not to be told your Faults, altho' they are true.

Forbid it Heaven that Truth shou'd ever be
Subjected to Usurp'd Authority.

And are you the Men who want to be Chosen again, who think you deserve so much favour from the Nation, as to be trusted again with those Liberties you betray'd? With what Face can you desire the People shou'd be so blind to their own Interest?

What we have now to say, was true of you some time ago, but you had so fenc'd your selves by your Usurp'd unlimited dispensing Power, and by Sir *Hump. Mackworth*'s new

new Doctrine, that an Honest Man could not inform the World what you were, without the Danger of being abus'd by your Sergeant, and being refus'd the benefit of the *Habeas Corpus* Act, and confin'd in a Garret, during the Arbitrary Pleasure of your House.

But since you are Dissolv'd, and now reduc'd to an Equality with your Fellow Subjects, we think the least we can do, is to let you know, the Free-holders of *England* are sensible of your Behaviour, and those who are not, may be inform'd from the following Particulars.

You are the Men who sitting in the Leates of Council, representing the good People of *England*, vested with Legislative Authority, and having the Liberties and Estates of your Native Country put into your Hands, mis-improv'd that unlimited Power to oppress the very People who chose you to defend them.

By unjustly Imprisoning the Free-holders of *England*, for coming to put you in mind of your Duty, and oppressing such as you had no power to Touch, they being under the immediate protection of the known Laws.

By partial proceedings against such Persons as the prevailing Party thought fit to expel, as guilty of Bribery, Wisely, tho' Unjustly declining the Proceedings against others more Guilty, whose assistance to do Evil you wanted in the House.

By not refusing to Declare War without Ground, for no Body desir'd it, but Delaying the Publick Affairs, till the Enemy was at the Door. *Flanders* possest, *Portugal* discourag'd and fallen off, the *Dutch* besieg'd, and His Majesty oblig'd to turn Sollicitor, and to your Shame be it spoken, permitted almost to beg you to make good the Leagues and Stipulations of his Predecessors.

By Impeaching Members of the House of Lords, and shuffling off their Tryal, by miserable Shifts, and ridiculous Punctilioes; the end being to blast their Reputation, not prove the Fact, that they might be put out of Places, and your selves put in.

By Quarrelling with the Houſe of Lords, at a time when Peace at home was the moſt neceſſary thing in the World, at the ſame time the Circumſtances being Unjuſt, and the Management ridiculous.

You are the Men, who ſince the laſt receſs have ſcattered your ſelves about the Kingdom, to make your ſelves Advocates for your own Proceedings, and if poſſible to reconcile the People to your Actions, and poſſeſs them with a Belief of your Honeſty; a certain ſign your Deeds would not ſpeak for themſelves, who in all your fooliſh Diſcourſes take upon you to Villifie and Reproach the King, Expoſe his Servants and Miniſters, though your Accuſation to this Hour remain unprov'd.

Who ſo far from giving the People any hopes that you wou'd recollect your ſelves againſt another Seſſion, and proceed to diſcharge your Duty, and the Truſt repos'd in you with more Fidelity and Moderation, have fill'd the Town with your Threatnings of what you wou'd do at your coming together again.

How you wou'd begin where you left off with your Diſputes againſt the Houſe of Lords?

How you wou'd make the King agree to clip the Wings of their Authority, or give him no Money?

How you wou'd enter upon no Buſineſs till you had humbled the Lords, that if they inſiſted on their Priviledges, the blame of the Delays might lie upon them, and ſo find a way at one Act to throw your ſpleen at the Peers, and at the King together?

You are the Men to whom we owe the many Neutrallities of the Princes, and Circles of the Empire, and *Italy*, the League of the *Portugueſe* with the *French*, and the *French* King's venturing to acknowledge another King of *England*.

'Twas the Fears of your being Corrupted by a *French* Party, made our Friends abroad ſhy of Engaging in the Proteſtant Intereſt; and the hopes of it has on the other

hand

hand encourag'd the *French* to insult the Christian World, and bid fair for all the Liberties of *Europe*.

'Twas a Creature of your Speakers, and a fawning Dependant upon the Party, who scribling for Favour, had the Impudence to affirm in Print, *That Leagues and Confederacies, Allies and Foreign Treaties were useless and insignificant to* England; *that we were an Island seperated from the rest of the World independant of any Body: And if all the World Leagu'd against us, if we were true to our selves we need not care. As to our Trade, our Manufactures had the Command of the World, and wou'd force their way, and our Fleet could protect, and continue our Trade in spight of all Mankind; and that the concern we had in the safety of our Neighbours, was only pretence to raise Armies to Enslave us at home.*

You are the Men that have acted, as if ye believ'd this prepostrous Doctrine, endeavouring to possess the People with Fears and Jealousies of Slavery at home, under the Protection and Government of the only King in the World, that ever sincerely sought, and effectually restor'd our Freedom.

But that we may do Justice also to those Gentlemen, who to their utmost oppos'd all your Treacherous proceedings before we come more freely to tell you our Minds: We must plainly mark you out, that the Innocent may not suffer with the Guilty.

I. Such of you (for such as these were among you) who having been purchas'd *in former Reigns* by Court-Pensions, to assist Arbitrary Princes, joyn'd with them to Enslave us; selling the Liberties of your Country to Gratifie the Lust of Dominion, and the Projects of *Popish Councils*.

II. Such of you (who being Poyson'd with Arbitrary Principles) gave your Consents to submit all our Laws and Charters to a dispensing Authority in the Crown.

III.

III. Such of you as having forgot that the Original of all Right is deriv'd from, and reſted in the People, had Complimented your Native Country out of her Priviledges, and Elevated our Kings with a Divine right of Government, which neither God, Nature, or the People ever gave them.

IV. Such who having thus been the Tools of Tyranny in former Reigns, have ſtill deluded the Credulity of the People, and by great Intereſts in ſmall Burroughs, have obtain'd again to be truſted in Parliament with the People's Safety.

V. Such of you who having no Eſtate, nor able to pay your own Debts, ſhould put ſuch a Banter upon the People, as to deſire to be Examiners of the Nations Accounts without a Sallary; as if we did not know that if the Nation did not pay them, ſome body elſe muſt.

VI. Such of you who brib'd by Foreign Hopes, and *French* Money, expect to make your Fortunes at the Expence of the Nation.

VII. Such as are blindly led by the Party, who purſue theſe Deviliſh Deſigns, whereas they are truſted by their Country not to act by the Directions of others, but ought either to be capable of Judging, and Acting for the People that choſe them, or be ſent home in Hanging Sleeves, and a Slaberring-Bib.

VIII. Such of you as ſhou'd ha' been Hang'd at the Revolution for your formerly betraying your Country, and are now like a true Thief, ſtriving to Cut their Throats who ſav'd you from the Gallows.

IX. Such of you who cry out of the People of 41, for raiſing War againſt, and depoſing their Soveraign, but are

juſt

juſt 60 Years after going in the ſame Steps, and had you the ſame Prince to do with, wou'd before now ha' brought it to the Sword.

Theſe are the Men which makes the People of *England* give Thanks to God and the King, that has freed them form the Ruin deſign'd for them by their own Repreſentatives.

'Tis for your Sakes that is come to paſs in *England*, which never was heard of before, that the People ſhould have recourſe to the *King* to ſave them from being undone by the *Parliament*.

What means all the Language of the Addreſſes which Croud from the extremeſt part of the Nation? That when ever it ſhall pleaſe his Majeſty to call a New Parliament, they will endeavour to chuſe *ſuch and ſuch*.

Had you not been a Parliament in being, and your unreaſonable and wrong Extended power formidable, 'tis preſum'd the Language of thoſe Addreſſes would have been for God ſake, and for the Nation's ſake, to beſeech His Majeſty to call a New Parliament, and to promiſe to chooſe Honeſter Men than they did before.

As for all thoſe honeſt Gentlemen who had the misfortune to be over-power'd by your Numbers, to be huff'd, ralli'd, and Bear-beated by the Clamours and Noiſe of the Multitude; but ſtill to their power, oppoſed your Wicked Deſigns, and Diſcharg'd their Duty to their Country.

The Grateful remembrance of their Fidelity will remain in the Hearts of every Honeſt *Engliſhman*, and be on every occaſion call'd to mind, and rewarded to them and their Poſterity.

We unanimouſly are of opinion, that the whole Nation ought to keep a Day of Rejoycing, and Solemn Thankſgiving to God, who has put it into the Heart of His Majeſty once more to ſave this Nation from Deſtruction, by diveſting you of that Power which you ſo viſibly exacted to the Ruine of your Country.

That His Majesty has listned to the Voice of Things, as well as to the Voice of his People, and having a Discerning Judgment, has timely Discovered your Wicked Designs, and timely prevented the Confusion your proceedings could ha' brought upon us.

That His Majesty has once more put it into the Power of the English Free-holders to choose again, that they may if possible find Honest Gentlemen enough in this Degenerated Nation, who will stand up for Religion, and hold the Ballance of the State with that Equality, between every Branch of the Constitution, as neither may oppress the other; that the whole may be in its full and free Exercise, in order to bring more Easily and Effectually to Pass that which is the great Original of all Constitutions in the World, the Good of the People.

If we are still so infatuate, and Blind as not to set a Mark of Infamy upon every Man of you.

If some ensuing Parliament does not by Legal Authority Disfranchise you as *English-men*, and make you for ever Incapable of being chosen, or of Sitting in the House. As Traytors in an Army are made incapable to serve.

If every Burrough, City, or Corporation, be not Depriv'd of its Priviledge of chooſing that shall ever send one of you up again.

If every County be not double Tax'd that shall choose any of you to represent them again.

Then we deserve to be betray'd to the end of the Chapter, and *England* will fall unpittyed by all the Nations of the World.

LEGION's

LEGION's *Addreſs to His Majeſty.*

To the KING's Moſt Excellent Majeſty.

AMong the Throng of Your Loyal Subjects, and Obedient Cities, Towns, *and* Corporations, *who come to Teſtify their Reſentment of the Affront put upon Your Majeſty by the* French *King, in acknowledging the Titles of Your Majeſties Kingdoms to a contemptible Impoſtor, and to make tender of their Humble Duty to Your Majeſty, We Beſeech your Majeſty to permit the Humble Addreſs of not the feweſt nor meaneſt of your moſt Dutiful Subjects.*

We humbly approach Your Majeſty in the Names of all the Free-holders of England, *who Love the* Proteſtant *Intereſt, and ſeek the Proſperity of their Native Country; and tho' we have not had time to take their Hands to this Paper, We preſume to aſſure Your Majeſty that the Hearts of the whole Nation are here repreſented. Such Excepted as will be hereafter Expreſt, becauſe the Sincerity of this Addreſs is ſuch, and the Subſtance of it of ſuch Moment, as no Man can Diſſent from, and remain either a Lover of his Country, or a faithful Subject to Your Majeſty.*

We had come to Your Majeſty with our Humble Petition, but that we find no room left to complain, Your Majeſty having been always ſo ready to Redreſs the Grievances of your People in a Parliamentary way, that We have rather had cauſe to fear our Repreſentatives too much of late falling into Parties, *and led by Furious Men, or Seperate Intereſts, ſhou'd impoſe*

Poſe upon Your Goodneſs, and Injure the People they were ſent to Serve, Than that any real Grievance of the Nation ſhou'd not be redreſs'd, or any needful Laws paſs'd by Your Majeſty, at the firſt requeſt of your People.

We cannot but repreſent to Your Majeſty, and humbly complain that a Late Houſe of Commons, having with more freedom then they approv'd of, been told the Illegality of their Proceedings, and Charg'd with the Facts wherein they acted contrary to the Sence and Intereſt of the People they repreſented ſhou'd inſtead of rectifying or anſwering the ſame, addreſs Your Majeſty to take care of, and defend Your ſelf againſt your People, as if it could be poſſible Your People of England *cou'd entertain any Thoughts to the prejudice of Your Majeſty, who are ſo juſtly dear to them.*

And whereas the Proſperity of this Nation depends upon the Unanimous Conjunction both of Hearts, and Intereſt, between Your Majeſty and your People, and Your Majeſty has fully teſtified both Your ſenſe of, and your deſire to Cultivate, and if poſſible to improve ſuch a Conjunction, We cannot but Expreſs our Sorrow, and Diſappointment that it ſhou'd ever come to paſs that an Engliſh *Parliament ſhou'd be leſs careful to preſerve it than conſiſted with our Safety, or Your Majeſties Satisfaction.*

'Tis not without a juſt concern We have for ſome time paſt Obſerv'd, that it has been poſſible even for ſo great an Aſſembly to Err, their Invading the Rights of the People who th y were choſen to Defend, by Impriſoning ſuch Gentlemen as by humble Petition, according to Law put them in Mind of their Duty; and by addreſſing Your Majeſty to put them

out of your Favour and Commission in the Countries where they were severally useful to Your Majesty and the Nation; Their Evading the prosecution of Persons of Honour, whom they had Impeach'd of Crimes they did not think fit to prove. Their untimely and Inconsistent trifling the House of Lords, their unreasonable Delays in paying the Just Debts of the Nation; their Backwardness in assisting our Protestant *Neighbours, ready to be Insulted by the* French; *the Partiality of their Proceedings in several particular Cases among themselves: These, and the like Miscarriages, have often fill'd the Hearts of Your most Dutiful Subjects with Trouble, to see those Gentlemen we sent up as our Representatives so ill pursuing the great End of Assembling in Parliament,* viz. *The Service and Benefit of Yours Majesty, and their Country.*

Your Majesty in Your Great Wisdom, We doubt not, had been fully satisfied that wherein our Representatives have been wanting in their Duty to Your Majesty in their Care of the Protestant Religion, *and Your Majesties Allies. So far they have acted contrary to the General Sense of Us Your Majesties Most Dutiful Subjects the Free-holders of* England, *who chose them, and have Betray'd the trust repos'd in them by their Country.*

Your Majesty has sufficiently Exprest in all the Actions of Your Glorious Life, Your Value for, and Resolution to Maintain the English *Constitution, and We acknowledge the Freedom We now enjoy, is owing to the happy Conduct of Your Majesty, in rescuing us from those who wou'd have Betray'd us and our Liberties to the Power of* French *and* Popish *Counsels: And 'tis to our great Sorrow, that We observe some of those very Instruments of Tyranny, have found ways to be trusted again with the Liberties of their Country, not doubting but 'tis by their restless Contrivances, that many of the Gentlemen of that House have been Deluded, and Blindly led under specious Pretences of Liberty, to Embroil us in Civil Heats and Disorders.*

Your Majesty (more than any of your late Predecessors) has appear'd fully satisfy'd with the constant Affections of your Subjects; and have therefore Graciously granted them Constant

and Uninterrupted Assemblies of Parliaments; and your People have on all occasions testify'd their Zeal for your Service, Loyalty to your Person, and their Willingness to supply your Majesty with all Needful Sums, for the Support of your Glorious Designs, firmly Believing (as they have always found) that your Majesty was ever intirely in the Common Interest, and a true Defender of the Liberty of your People; and tho' to our Unspeakable Grief, your Majesty has not been so well serv'd, nor the Ends of the Nation so well answer'd by our late Representatives. Yet We humbly Beseech your Majesty not to entertain from thence any Resentments against either Parliaments in general; which your Majesty has so often declar'd to be the Safety and Glory of the English *Constitution, or against your Loyal and Loving Subjects (the Good People of* England) *in particular.*

And We take leave to assure your Majesty, That We cannot Entertain any Fears that your Majesty shou'd decline your Affections to Parliaments in general, in that your Majesty has thought fit to give us an opportunity to Elect again another Representative, which We hope shall more fully answer the great Ends for which they are Chosen.

Wherefore from our Deep sense of your Majesties great Care, to preserve the Affections of your Loyal Subjects, and to prevent all Interruptions it may meet with from the private Designs of our Enemies. We come to present your Majesty with our Humble and Unfeigned Thanks for your late Proclamation, for the Dissolution of the Parliament; and for your Gracious Intentions therein Declar'd for the speedy calling another.

Nor can We forget to give your Majesty our most humble Thanks, and grateful Acknowledgements, even for the very Words of your said Proclamation; wherein your Majesty is pleased to take Notice of the true intent, and meaning of the repeated Addresses of your People: who coming with Hearts full of Resentment, at the Insolence of your Majesties Enemies, and the Indignity Offered your Person in Fostering, and acknowledging a Scandalous and Ridiculous Pretender, to your Majesties rightful Dominions, cannot refrain expressing their just Fears, that the late House of Commons would fail in their Duty, to your Majesty

Majesty and the Nation. By assuring your Majesty what Care they would take, to send up such Men as should fully answer the Expectations of all Good People, if your Majesty would be Graciously pleased to give them an Opportunity, by calling a new Parliament.

And We humbly Thank your Majesty for that (by your Gracious Proclamation) you have confirm'd what the Constitution of England, *the Reason, and Nature of the Thing: And all Impartial Men have allow'd, that 'tis most reasonable, your Majesties concurring the Free-holders of* England, *should have an Opportunity of a new Choice given them when they find Cause, in order to Choose such Men as are more likely to bring to pass the Just and Pious Intentions of the Nation.*

And because it may seem a new thing in England, *for the People to thank their King for dissolving the Parliament. We humbly crave leave to assure your Majesty, that nothing cou'd have led us to such a proceeding, but the Satisfaction of having an Opportunity put into our hands, of sending up such Representatives to attend your Majesty in Parliament, as may with unshaken Fidelity to your Majesty, and unbyast regard to the Interest of their Native Country, proceed in the weighty Matters your Majesty shall lay before them, with that Unanimity of Council, and Vigour in Resolution, as is necessary at this Juncture, to encourage the Protestant Confederacy abroad, secure the Peace and Tranquillity of Europe, reduce the Exorbitant Power of our Enemies, compleat your Majesties Just and Glorious Designs, and defend our Commerce in the World.*

And We further humbly assure your Majesty, that if ever a Parliament (which God forbid) should proceed contrary to these just and reasonable Ends, they must be acted by some Ill Agents, contrary to the sence of their Country. Their Duty to your Majesty, and the honest Intentions of us your Majesties Obedient Subjects who choose them.

And if ever that unhappy Time should come again, and as often as it shall so happen, your Majesty will Infinitely Engage the Hearts and Affections of all your honest Protestant Subjects, by giving them Opportunity to show their Resentments, by Choosing Men of more honesty in their rooms.

So

So shall the Peace and Tranquillity of these Nations be preserved; the Glory of your Majesties Reign encreased; the Enemies of our Happiness be defeated. Our Protestant Neighbours, your Majesties Allies be assisted and encouraged; Our Religion, Liberty, and Trade secured: And your Majesties Satisfaction compleated, to the Glory of God, and the Infinite Comfort of all those who Wish and Pray for the Prosperity of Your Majesty and Old England.

FINIS.

REFLECTIONS

On a late

SPEECH

BY THE

Lord HAVERSHAM,

In so far as it relates to the

Affairs of Scotland.

CONTAINING,

A Brief Account of the late Change in the *SCOTS* Ministry.

Of the Miscarrying of the *HANOVER* Succession in the Parliament of *SCOTLAND*.

And of the Acts of that Parliament for Arming their People, and Exporting Wool, *&c.*

In a Letter to a Friend.

LONDON: Printed, and Sold by B. Bragg, at the *Blue-Ball* in *Ave-Mary-Lane*, 1704.

REFLECTIONS

On a late

SPEECH

BY THE

Lord HAVERSHAM.

SIR,

THE Noble Lord, of whoſe Speech you ſent me an Account, is ſo very obliging in his Character of our Country-men, that to Encounter ſuch an Adverſary, if we may properly call him by that Name, has ſomething of a Charm in it: I ſhall therefore, in as few words as I can, give you a true Account of that which is the Subject of his Lordſhip's Speech, whereby I hope thoſe Fears and Jealouſies, conceiv'd by that Noble Lord, and other worthy Patriots of the *Engliſh* Nation, from the change of our Miniſtry, and the proceedings of our Parliament, may in a great meaſure be remov'd.

His Lordſhip is in the Right, *that a little before the Meeting of our Parliament, there was only* ſome *Alteration made in our Miniſtry*: Had the Change been *total*, there had been no Occaſion for his Lordſhip's calling it a *Motly Miniſtry*; and had it been *more Early and Univerſal*, its probable thoſe *Diviſions* amongſt them would never have happened, which, as his Lordſhip ſays juſtly, *made our Miniſtry ſo weak, that inſtead of doing every thing, they could do nothing*. But for the *ſmall Change* made at that time, and the *greater one* that has been made ſince, the Revolution Party in *England* has no Cauſe to complain of it, for whatever ſome People ſuggeſt to the contrary, the Change is wholly in favour of that Intereſt. Some of thoſe turn'd out were known to be Enemies to it, and others of them oppos'd the Abjuration of the *St. Germans* Pretender, that carried a firſt Reading in the Seſſion of Parliament next after King *William*'s Death, and might then have had the Royal Aſſent: This would have ſecur'd all, there being at that time a conſiderable Party form'd, to have promoted the *Hanover* Succeſſion, on Condition of Limitations; but how that *Abjuration Oath* came to be quaſh'd, and how a Noble Lord, who had form'd that Party, came to be betray'd, is beſt to be accounted for by ſome whom your *Revolution Party* has endeavour'd to Support againſt Men who are really for the *Hanover* Succeſſion, upon Conditions that are in Her Majeſties Power, as Q. of *Scots*, to grant, which would make their Country eaſie, and remove the growing Jealouſies betwixt the two Nations. This, I hope, is ſufficient to juſtify the Change in our Miniſtry: And I dare make bold to ſay, that things will ſtill go well, notwithſtanding late Diſappointments, if Her Majeſty be not diſſuaded from going on as ſhe has graciouſly begun;

begun; and if the Privy Council of *Scotland*, and other Parts of the Adminiſtration there, be as *little Motly* as her preſent *Scots* Miniſtry. In a word, if there be care taken to imploy none in Places of Power and Truſt, but ſuch as are ſtaunch for the Government, as ſettled upon the Revolution foot; and if the Nation be allow'd time to breathe, and to conſider the ill Conſequences of thoſe Diſorders, which ſome falſe ſteps in the late Government, and ſome unhappy Changes that follow'd King *William*'s Death, had thrown them into, thoſe who are for the *Hanover* Succeſſion, upon the reſtoring ſo much of our old Conſtitution, as may ſecure us from the bad Influences of Foreign Councils, will in a little time be able to Triumph over all Oppoſition.

But it will be impoſſible to ſettle the Succeſſion, without ſome ſuch Limitations and Conditions as may ſatisfy our People, who grow every day more and more uneaſie under the falſe Methods of Adminiſtration that have been made uſe of in *Scotland*, for moſt part, ſince the Union of the Crowns. This was well known to thoſe Gentlemen of the New Party, who were taken into the Government ſoon before the meeting of our Parliament, and therefore they could not but in Honour, and Faithfulneſs to Her Majeſty, acquaint her, that this was the only way to carry the Succeſſion, and to diſpoſe the Nation to a cheerful Compliance with it: but they were ſo far from undertaking for the ſucceſs of it, laſt Seſſion of Parliament, as their Enemies falſly give out, that they only promis'd to uſe their utmoſt Endeavours, as appears by Her Majeſty's Letter; and that they did ſo, and acted their Parts in it, like Men of Honour and Integrity, will be denied by none but ſuch as are piqu'd againſt them,

them, know nothing of the Matter, or are ſecret or open Enemies to the Deſign.

My Lord *Haverſham* obſerves very Juſtly, and as becomes a Perſon of his known Loyalty and Penetration, *that her Majeſty recommended the Succeſſion in the Proteſtant Line, with the greateſt earneſtneſs; in her Letter*, and to this may be added, that her Majeſty according to the faithful Advice of ſome of the New Miniſtry, Impower'd her Commiſſioner *to give the Royal Aſſent, to whatever could in Reaſon be demanded and was in her power to Grant, as to ſuch Terms and Conditions of Government, with Regard to the Succeſſor, as might might ſecure the Sovereignty and Liberty of the Nation.* * This was well ſeconded and explain'd by the Marquiſs of *Tweddale*, Lord High Commiſſioner, and the Earl of *Seafield*, Lord High Chancellor, as may be ſeen by their Speeches, wherein they Inform'd the Parliament of her Majeſty's *having given Inſtructions to paſs ſuch Laws as might rectifie Abuſes in our Conſtitution or Adminiſtration, as might remove all Encroachments upon our Soveraignty and Liberties, and as might deliver us from ſuch Inconveniencies and Hardſhips as we have lain under, ſince the Union of the Crowns, and which of late have grown heavier upon us.* This one would think ſhould have removed all manner of Suſpicion of the Sincerity of her Majeſty, and of her new Miniſtry; but that it did not, appears plain as my Lord *Haverſham* truly obſerves from the Earl of *Cromarty*'s Speech, wherein he Vindicates her Majeſty, and diſtinguiſhes betwixt *the Secret and reveal'd Will.*

---

* See the Queen's Letter.

It muſt be own'd, that no better Expedient could be propoſed for carrying the Succeſſion, than thoſe Conceſſions granted to the Nation, by Advice of the new Miniſtry; Becauſe our Parliament had formerly inſiſted upon them, and at the ſame time it ſerves to demonſtrate the falſhood of thoſe Mens Suggeſtions, who alledge that the Succeſſion was hinder'd by the Change of ſuch a Miniſtry as inſinuated to her Majeſty *that thoſe things were Incroachments upon the prerogative.* * Whereas its plain the Parliament thought them neceſſary for preventing all Incroachments upon our Soveraignty and Liberties, and would never have agreed to the Succeſſion without them.

I come now to the Reaſons of its having miſcarried, wherein there appears ſuch a mixture of Heterogeneous Cauſes, as I am ſatisfied muſt needs ſurpriſe you. Be pleaſed then to take them as follows.

1. The difficulty of reconciling People on a ſudden who had been ſo long in oppoſition, as the new Party, and many of thoſe of the Late Court, who had fallen in with ſuch meaſures, as the other Party thought prejudicial to the Country.

2. The doubtful Event of the Campaign, which encouraged the Enemies of the Succeſſion to oppoſe it.

3. A Rumour malicioufly ſpread, that thoſe Intruſted by her Majeſty acted wholly by *Engliſh* Influence, and out of a ſervile Compliance with the Deſire of a prevalent Party in *England*, whom a diſſafected Party in *Scotland* miſrepreſent as our Enemies, becauſe of that

---

* See the Duke of *Q*———'s Letter to the Queen, of *Aug.* 11. 1703. Printed in the proceedings of the Houſe of Lords about the *Scots* Plot.

and

and ſome former proceedings. This was improved to ſuch a height, that ſeveral Gentlemen, formerly very popular for Services to their Country, were inſulted by the Rabble. By this, Sir, you may judge how unjuſtly thoſe Gentlemen are treated, and how artfully their Enemies manage their Game, who expoſed them to outrages in *Scotland*, as being too Zealous for the Succeſſion, in compliance with the *Engliſh* Nations; and to Reproach and Slander in *England* as having betray'd it, out of Enmity to that Country.

4. An unaccountable Liberty that many People took to expreſs their ſuſpicion of the Courts ſincerity, and the falling of 32 or 33, who had one way or other a dependance upon the Court, with the Reſolve *for putting off the Succeſſion, till we have had a previous Treaty with* England, *in relation to Commerce and other Concerns with that Nation.*

You may depend upon it, Sir, that none of the new Party were of this number, and as this may give her Majeſty much juſter Cauſe to ſay, *that ſhe has been ill ſerved in* Scotland than her Predeceſſor of Glorious Memory had to ſay ſo upon another occaſion; It gave all Honeſt Men Cauſe to bewail that our moſt Excellent Sovereign ſhould have been ſo impoſed upon, by thoſe who recommended ſuch Perſons to be imploy'd or continued in Truſt by her Majeſty, or to be the Objects of her Royal Bounty.

You may be well aſſured, Sir, that none of thoſe Men acted thus by the Advice or Influence of the new Miniſtry, and it is as certain a Truth, that ſome of them had got into conſiderable Poſts, and others of them had received Penſions, by means of the old one, and that but a very little while too before the meeting of our Parliament; and tho' it is not to be denied

many

that many of thoſe Gentlemen would have otherwiſe been for the Succeſſion, yet they were tempted to take this Method, by Suggeſtions that they might find their Account better, by defeating it in the hands of thoſe now employed by her Majeſty, which would give a handle for the imploying thoſe again, who had ſo lately obliged them with Places and Penſions, and would then be in a Capacity to oblige more of them in like manner.

Nor is it to be omitted that they were perſwaded this would give them an opportunity of making their Court to the next Succeſſor, by ſhewing how much their Influence might conduce to the furthering or retarding the Succeſſion; and this they were the more induced to comply with, becauſe of a Report induſtriouſly ſpread in *Scotland*, that the Change in the Miniſtry was only made to ſerve a Turn, that their old Friends would come in play again, and that thoſe who oppoſed the Succeſſion at preſent, ſhould then be the Men in favour. Thus Sir you may ſee that this point was not carried by the proper weight or dependance of thoſe formerly in power, but by an ill uſe which ſome People made of her Majeſties Goodneſs and Clemency, to perſwade others that they were ſtill the Men in Chief favour.

5. The putting the Succeſſion upon the Foot of a Treaty with *England*, was the ſureſt as well as the moſt plauſible and unexceptionable way that could be taken to delay it; and they that propoſed this, were as I am very well inform'd encouraged to it by Letters from *England*, after the arrival of which, thoſe who were for ſettling the Succeſſion immediately, leſſen'd in their Number, though before that time they had good ground to think they had a Majority. Nor

are we to wonder at the Influence of this propoſal upon many honeſt Men, who did not perceive the craft and danger of that Expedient, by which they hoped to increaſe the Trade of their Country which is in a ruinous Condition, and has ever been declining, ſince the *Engliſh* Act of Navigation.

6. There were ſeveral other Cauſes of leſs weight, which being joined together, had no ſmall Influence in defeating the Succeſſion. As, 1. Some oppoſed it out of meer humour, becauſe they were not at firſt taken into the Meaſures, or put into Poſts. 2. Some People knowing very well that they had made themſelves liable to the Juſtice of the Nation for ſome foul proceedings relating to the Plot, and for ſuch Advices as tended to little leſs than a Conqueſt of their own Country by an *Engliſh* power; they were very willing to barter the Succeſſion with a reſpite from proſecution, and to make ſure of that, by joining the Male-contents of the late Court Party, and thoſe who are Enemies to the Houſe of *Hanover*, in order to defeat the Succeſſion at this time. And ſome of thoſe Men are ſo well vers'd in the Art of putting falſe Gloſſes upon things, that they know how to make their Court when time ſhall ſerve, by pretending they did not oppoſe the Succeſſion, but only the Limitations, becauſe they hate all Incroachments upon the Prerogative. 3. Some of the new Miniſtry having been formerly of the Country Party, they could not but reſent both in publick and private the Injuries they ſuppoſed were done to the Kingdom of *Scotland* in the late Reign.

This, by their Adverſaries, was interpreted to be down right Jacobitiſm, and ſome Whiſperers, who make their Court to great Men, by telling of Stories,

transformed

transform'd every thing of this Nature into Railing upon King *William*, reviling his Memory, running down the Revolution, and ſapping the Foundations of Church and State. It's unconceiveable what a Handle ſome People made of this; how they buzz'd it in the Ears of ſome Engliſh Lords; how they allarm'd ſome Diſſenters about *London* with it, and engaged them to communicate the ſame to their Brethren in *Scotland*, where ſome prov'd but too ſuſceptible of it. By thoſe Artifices, the Lords and Gentlemen entruſted by her Majeſty to carry on the Succeſſion, were and are ſtill ſought to be ruined in the good Opinion of both Nations.

I come now to our *Act of Security*, which *my Lord* Haverſham thinks fit to call an *Act of Excluſion*. I ſhall not much differ with his Lordſhip about that Title, ſince it poſitively *excludes all Popiſh Succeſſors*, and with that I am ſure his Lordſhip is not offended. But, *My Lord*, may be pleas'd to obſerve further, that it likewiſe excludes all other Succeſſors, till they have taken the Coronation-Oath, by the Appointment of the Parliament, and have accepted of our Government upon the Terms of the Claim of the Right, and when his Lordſhip knows that this annuls the ſlaviſh Act of 1681. made in favour of the Duke of *York*, which left the Country at no Liberty to refuſe the Lineal Succeſſor, were he Turk, Jew or Papiſt, or as mad as the preſent King of *Portugal*'s eldeſt Brother, my Lord has ſo much Liberty interwoven in his Conſtitution, that he cannot diſlike this, and his Lordſhip is ſo good a Proteſtant, that he muſt needs be pleas'd to underſtand, that by our Act of Security, it is no leſs than High Treaſon for the Jacobites to offer at proclaiming the St. *Germains* Pretender, which, had not

the Act of 1681. been virtually repeal'd by this Act, they might perhaps have ventur'd to have done for any other Bar that lay in their way from the Claim of Right, or any other Law now in being, especially if that Pretender had given them the least ground to alledge that he was a Protestant.

And it is nothing the less considerable, that it excludes in the same manner all the other Pretenders of the Line of *France* and *Savoy*, who, by the Lineal Succession suppose themselves to be next in the Entail to the St. *Germains* Family.

Then as to the Exclusion of the same Successor with *England*, that's only conditional, as appears by the following Clause. 'Providing always that the same 'be not the Successor to the Crown of *England*, 'unless that in this present Session of Parliament, 'and any other Session of this or any other en- 'suing Parliament during her Majesty's Reign, 'there be such Conditions of Government settled 'and enacted, as may secure the Honour and So- 'veraignty of this Crown and Kingdom, the Free- 'dom, Frequency and Power of Parliaments; the Re- 'ligion, Liberty and Trade of the Nation from Eng- 'lish, or any Foreign Influence, *&c.*

Now these Conditions being no other than what we have heard already by her Majesty's Letter, and the Speeches of her Ministers, she was graciously pleas'd to impower her Commissioner to grant, they don't fall under my Lord's Exception, concerning which he is pleas'd to say *might have full as well been left out, for he that asks what he knows before will never be granted*, asks *the Denial.*

It's

It's true indeed, that the Reſolve for putting off the Succeſſion till a Treaty be had with *England* about Commerce, and other Concerns, ſeems to give juſt Cauſe for his Lordſhip's Reflection upon ſome of the then *Scots* Miniſtry: And it muſt be likewiſe own'd, that the Clauſe relating to a Communication of Trade, and the Freedom of the *Engliſh* Plantations, which was Inſerted into the *Act of Security* by the Courtiers in the D. of *Queenberry*'s laſt Parliament, the Copy of which Act, I ſuppoſe, his Lordſhip had before him, gave him yet further ground for that Reflection, but that Clauſe being left out of the *Act of Security* as now paſs'd, it is my humble Opinion, that our New *Act of Security*, and our *New Miniſtry*, are neither of them Chargeable with *asking the Denial*, as his Lordſhip elegantly expreſſes it.

I muſt likewiſe own, that this Proviſo, or Clauſe of Exception, is by ſome underſtood to Exclude the ſame Succeſſor with *England*, in caſe the Succeſſion be not ſettled on the Conditions propos'd during Her Majeſty's Reign; but I know ſome very Great Men, who are concern'd to underſtand the meaning of the Act, are of another mind, and they ſeem to be in the right, becauſe in the beginning of the Proviſo the *Engliſh* Succeſſor is nam'd; and at the end of the Proviſo, theſe Words immediately follow: *And it is hereby declar'd, that the ſaid Meeting of the Eſtates ſhall not have Power to Nominate the ſaid Succeſſor to the Crown of this Kingdom; in the Event above expreſſed,* [*i. e.* in caſe of Her Majeſty's Death] *during the firſt twenty days after their Meeting.* Now, in my humble Opinion, the words *ſaid Succeſſor* muſt relate to the Succeſſor laſt mention'd before thoſe Words, and that is plainly the Succeſſor of *England*; and this, I conceive, to be ſtrengthned by the

the words of Reſtriction, *viz. In any other Seſſion of this, or any other enſuing Parliament, during Her Majeſty's Reign.* For if there be any Parliament ſitting at the time of her Death, then it falls literally in the Power of that Seſſion to ſettle the Crown upon the *Engliſh* Succeſſor, on the Conditions mention'd in the Proviſo; and if there be any Parliament then in Being, tho' not ſitting, they may properly be call'd the laſt Parliament of Her Reign, and therefore, I think, are Impower'd by this Act to ſettle the Crown upon the *Engliſh* Succeſſor.

But allowing it to be otherwiſe, and that the Act does really Exclude the *Engliſh* Succeſſor, except the Succeſſion be actually ſettled during Her Majeſty's Life; Bleſſed be God Her Majeſty is in a very good ſtate of Health, and, according to the Courſe of Nature, may live many Years; and, by what Her Majeſty has done already, we need not doubt of her Royal Care to provide, as ſoon as may be, for the Safety and Security of her People, againſt that fatal Day. But in caſe it ſhould pleaſe God to afflict theſe Nations by Her Majeſty's Death, before the Succeſſion can be ſettled in *Scotland*, we have ſeen by a very pregnant Inſtance, in the beginning of Her Majeſty's Reign, that it is in a manner Impracticable for one Parliament to limit another, and therefore that Excluſive Clauſe in the *Act of Security*, can put no Bar in the way of our Eſtates to ſettle the ſame Succeſſor with *England*, provided they find *it for the Safety of the People*, which is the *Great and Fundamental Law of Government, that no Act of Parliament can reverſe.* The Caſe being thus, it is in the Power of *England* to Ratify or Annul this Excluſive Clauſe, either before or after Her Majeſty's Death: For if they agree with Her Majeſty to remove

thoſe

thoſe things which give us cauſe to complain of Invaſions upon our Liberty and Independency, that puts an end to the Excluſion of an *Engliſh* Succeſſor at once, but if thoſe hardſhips be ſtill continued upon us, which make our People think it unſafe to come under the ſame Succeſſor with *England*, then that Irreverſible Law, of our Peoples Safety, will oblige us to Exclude the *Engliſh* Succeſſor, tho' there were nothing in the *Act of Securiiy* that had a tendency that way. It's hop'd my Lord *Haverſham*, who is a Perſon of ſo much generous Fortitude, that he has complain'd undauntedly of Publick Grievances in all Reigns, with relation to *England*, will allow *Scots-men* to do the ſame with relation to their own Government; and perhaps, it will be found the moſt ſpeedy and effectual way to prevent all thoſe Dangers which his Lordſhip, and other good *Engliſh* Patriots, apprehend from our *Act of Security*, to enquire a little into the Cauſes of our Diſcontents, in order to have them remov'd. This were to act like Friends and Neighbours, that are willing to have us continue under the ſame Allegiance upon equitable Terms: All honeſt *Scots-men* would be ſo far from looking upon this as an undue intermeddling with our Affairs, that they would think themſelves infinitely oblig'd to his Lordſhip, and others, that ſhould concur with him in ſuch a Generous and Friendly Office. Had others of his Lordſhip's Country-men, who have had Occaſion to mention our Affairs, treated us with the ſame Honour and Candour that his Lordſhip has done, our Diſcontents had never riſen ſo high as they are at preſent. Our Country-men are not ſo fond of a Stoical Apathy, as to continue unſenſible of Injuries, attended with Scorn and Contempt. His Lordſhip may eaſily believe, that ſince our Nation

did

did, by Act of Parliament, ſoon after the Union of the Crowns, forbid all Reproaches upon *England* by Word or Writing, under ſevere Penalties, they don't think themſelves very handſomly requited, when every forward Author may, with Impunity, launch out beyond his Depth, and attack our Antiquity, Sovereignty and Independency, by counterfeit Hiſtories and forg'd Charters: When ſome that were in Publick Poſts have countenanc'd Runagate Fellows to Libel our Country, to treat our Company's trading by National Authority as *Pirates* and *Freebooters*; and when every Impudent Libeller may ſafely make our Country the Subject of his Buffoonry and Laughter. Nor is it a proper way to leſſen our Reſentments, for any one to talk of bringing us to Terms by Force of Arms, whenever they hear of any of our Complaints of Publick Grievances. I am ſatisfy'd that none but ſuch, as Converſe only with the Skirts of Affairs, will talk at that rate; Wiſe-men, and ſuch as underſtand buſineſs, will enquire into Matters before they paſs their Judgment upon them; and every honeſt Man, will be for removing Differences by hearing of the Cauſe, and doing of Juſtice, and not blow the Coals of Diviſion betwixt Nations, in order to bring things to a Determination by Violence, ſince daily Experience tells us, *that the Battel is not always to the ſtrong.*

There are others again who run down our Country becauſe we inſiſt on greater Limitations upon our Succeſſor than the Parliament of *England* has thought fit to do upon theirs; but theſe Men don't conſider the different Conſtitutions of Nations, and the different Circumſtances of People, who may live under one and the ſame Prince. The weakeſt Child is generally

moſt

moſt indulg'd by a tender Parent; and as the abſence of a Prince is a great weakneſs to any Country, its but reaſonable that a Nation under ſuch an afflicting Inconvenience, ſhould have ſome Compenſation made them by favourable Laws. When the Subject is aggrieved and the Sovereign in another Kingdom, whoſe Miniſtry perhaps may Contribute to thoſe Grievances; Its difficult for the aggrieved Kingdom in ſuch Caſes to obtain a Redreſs. King *Charles* I. tho tenacious enough of Prerogative, was ſo ſenſible of this as to *Scotland*, that in 1641, he granted us the power of chuſing in Parliament our Privy Councellors, our Officers of State and our Judges, *&c.* according to our old Conſtitution, and the Reaſon given in the Narrative of thoſe Acts is, that the abſence of the Prince may be compenſated by the goodneſs of Laws.

Then ſince there is no Condition of Government propoſed in our *Act of Security*, as a Limitation upon the next Succeſſor, but what is agreeable to our old Conſtitution, and neceſſary to preſerve our Freedom and Independency; No *Engliſh* Man can blame us for this Care, without reflecting at the ſame time, upon their own Wiſe Anceſtors in the time of King *Edward* III. who being King of *France* by Right of Succeſſion, the Parliament of *England* fearing that their Country might by reaſon of that, be ſubjected to *France*, they procured a Statute to prevent it; which becauſe ſo applicable to our preſent purpoſe I ſhall infert as follows.

Anno 14. *Ed.* 3. *& Anno. Dom.* 1340. By a Statute it was ordain'd, that the Realm of *England* and the People thereof ſhall not be ſubject to the King or Kingdom of *France*.

'*Edward* by the Grace of God King of *England* and *France*, and Lord of *Ireland*, to all those which these Letters shall hear or see Greeting. Know ye, That whereas some People do think that by reason that the Realm of *France* is devolv'd to us as Right Heir of the same, and for as much as we be King of *France*, our Realm of *England* should be put in Subjection of the K. and of the Realm of *France* in time to come: We having regard to the Estate of our Realm of *England*, and namely that it never was nor ought to be in Subjection, nor in Obeisance of the Kings of *France*, which for the time have been, nor of the Realm of *France*, and willing to provide for the Surety and Defence of the Realm of *England*, and of our Liege People of the same, Will and Grant and Stablish for us and our Heirs and Successors, by Assent of Prelates, Earls, Barons and Commons of our Realm of *England*, in this our Present Parliament summoned at *Westminster*, the *Wednesday* next, after the *Sunday* in *Middle-Lent*, the 14th Year of our said Reign of our Realm of *England*, and the first of *France*, that by the Cause or Colour of that We be King of *France*, and that the said Realm to us pertaineth as afore is said, or that we cause us to be named King of *France* in our Style, or that we have changed our Seal or our Arms, *Nor for the Commandments which we have made, or from henceforth shall make as King of* France, *our said Realm of* England, *nor the People of the same, of what Estate or Condition they be, shall not in any time to come be put in Subjection nor in Obeisance of us nor of our Heirs, nor Successors as Kings of* France *as afore is said, nor be Subject nor Obedient, but shall be free and quit of all manner of Subjection and Obeisance aforesaid, as they were wont to be in the time of our Progenitors Kings of* England

'England *for ever*. In Witneſs of which things, &c.
'Dated at *Weſtminſter*, &c. the 14th Year of our Reign
'of *England*, and the Firſt of *France*.

Now let any Impartial *Engliſhman* compare this Act with our *Act of Security*, and honeſtly declare his Judgment, whether the Terms of this Act be not much ſtronger againſt all ſubjection to the King of *England*, as King of *France*, than the Terms of our *Act of Security* are, againſt any ſubjection to the King of *Scotland*, as King of *England*; and let them tell us freely whether that can be Culpable in us, which they reckon commendable in themſelves.

But further let any Man compare the two Caſes together, and honeſtly ſpeak his Mind, whether We had not much greater cauſe to have made ſuch an Act, than the *Engliſh* had. And to prevent the Charge of partiality, I ſhall Exhibit the Compariſon made by the *Engliſh* Lord Chancellor *Elleſmere*, as I find it in his Diſcourſe of the *Poſtnati*, upon the famous Caſe of *Calvin*, in the Year 1609, as follows.

'Now if you will make an apt and proper Appli-
'cation of that Caſe then, between *England* and *France*,
'to this our Caſe now, between *Scotland* and *England*
'it muſt be thus.

'1. *Edw.* 3 then King of *England* (being the Leſſer)
'had afterwards the Kingdom of *France* (being the
'Greater) by Deſcent, and took the ſtile of King of
'*France*.

'King *James* King of *Scotland* (being the Leſſer)
'hath afterward the Kingdom of *England* (being the
'Greater) by Deſcent, and taketh the ſtile of King
'of *England*.

'2. King *Edw.* 3d. altered his Seal and his Arms,
'and placed the Arms of *France* before the Arms of
'*England*.

' King *James* hath changed his Seal and his Arms ' in *England*, and hath placed the Arms of *England* ' before the Arms of *Scotland*.

' 3. It was then doubted, that King *Edw.* 3. would ' remove his Court out of *England* the Leſſer, and ' keep his Imperial Seat and State in *France* the ' Greater.

' King *James* has indeed remov'd his Court out of ' *Scotland* the Leſſer, and doth in his Royal Perſon ' (with the Queen and Prince, and all his Children) ' keep his Imperial Seat in *England* the Greater.

' 4. In all theſe the Caſes agree, but yet one dif- ' ference there is, and that is in the Stile for King ' *Edw.* 3. in his Stile plac'd *England* the Leſſer, being his ' Ancient Kingdom before *France*, the Greater being ' newly deſcended unto him.

' But King *James* in his Stile placeth *England* the ' Greater, tho' newly deſcended unto him before ' *Scotland* the Leſſer, being his ancient Kingdom.

By this Compariſon it is plain, that we ſuffered a great deal more both in Profit and Honour, than *England* either did or apprehended from *France*, when they made the before-mentioned Act. For our Court actually removed to *England*, and has ſtaid here ever ſince, whereas the Court of *England* did not remove to *France*; which alone, would have juſtified our making an Act of Security in much ſtronger Terms than that of the 14th of *Edward* Third, and ſo much the rather, that we have actually ſuffered ſo much in our Religion, Liberty and Trade by the Influence of *Engliſh* Councils ſince the Union of the two Crowns; that except in ſome few Intervals, we can ſcarce ſay, that *Scots-men* have, ſince that time, been allow'd any Property in their Souls, Bodys or Eſtates. It were eaſie to demonſtrate this, but I forbear it. On-

Only I shall ask those Men who presently fly out in a rage, if they hear *Scots-men* say their Country suffered much in King *William*'s Reign, in the Affair of their *Affrican* Company and *Darien* Colony. How they think their Ancestors, who procur'd the Act of *Edward* the Third just now mention'd, would have resented such Treatment from that Prince in favour of *France*, as we had from King *William* in favour of God knows who, and whether all the glorious Atchievements of *Edward* the Third for the Honour of his Country, would have prevented their Complaints of such Injuries, had that Prince done them any of the like sort. Let me add, for the sake of some of our own Country men, as well as others, who are ready to interpret every Complaint of King *William*'s personal or publick Miscarriages, to be a flying in the Face of the Revolution, that they may as well charge the Pen men of the Sacred Scripture with calling *David* a Knave, and *Solomon* a Fool, because they mention some of their personal and publick Faults, tho', at the same time, they acquaint us, that the former was one of the holiest Men, and the latter one of the wisest that ever was upon Earth.

Some Persons of that Stamp may perhaps endeavour to make their own Court with *England*, because of their Compliance with the Measures of the late Court against the Interest of their Country, and at the same time attempt to run down others who oppos'd those Measures, but whatever favour some People who have occasion for their Service, may pretend to shew them upon that Account. It is certain that no wise *English-man* can think that such of our Country-men as went into Measures so prejudicial to *Scotland*, can ever be useful or steady Friends to *England*. The Pro-

verb

verb is known, *That they who love the Treason hate the Traytor.*

I shall conclude this part of my Subject about the Terms of Government with another Instance of English Justice and Wisdom, in a Case much of the same Nature with that now under Consideration, and exactly paralel, in so far as it concerns our Country.

Queen *Mary* of *Scotland* being Wife to the King of *France*, that Monarch, by the Influence of French Councils, attempted to bring *Scotland* under Subjection to his Native Crown. The Estates of *Scotland* being absolutely averse to it, entred into Measures with *England* to prevent it; To effect this, the Great Lord Treasurer *Burleigh*, in a Memorial dated the 5th of *August* 1559, among other Advices, gave them those that follow.

1. That they should demand a Redress of their Grievances from their own Queen, and the *French* King her Husband.

2. That they should demand to be Governed by their own Natives, and by a Council not subject to the direction of *France*.

3. That the three Estates should have the Administration of the Revenue, and power to appoint how much the Queen should have for her Portion during her absence out of the Realm, how much should be expended in the Government and defence of the Kingdom, and how much should be Yearly laid up in the Treasury.

4. That no Office of profit should be given to any but *Scots-men*, with the Consent of the Estates.

5. That no *Scots-men* should have any Pension from *France*, but whilst in the *French* Service, lest the *French* should thereby corrupt them to betray their Country.

6. That

6. That if these things were not effectually granted, they should commit their Government to the next Heir of the Crown, upon condition that he should observe the Laws and Ancient Rights of the Realm.

These were the Advices given us at that time by Queen *Elizabeth* and her wise Councellors, and if any Man compare them with our present *Act of Security*, and the Limitations now demanded, he will find the difference to be very little; the Clause for arming our People being excepted, and for that there was no occasion in those Days, because our Fenceable Men were then all Armed, and Disciplin'd and commanded in case of a War (by our Nobility and Gentry). And by the way, it is fit to observe, that by the Lord *Burleighs* Memorial, here's not only an Exclusion, but a Dethronement Advis'd, if our demands were not granted; then surely no *Englishman* of Ingenuity will offer to say that the Methods here advis'd to, are not as proper and Equitable to be made use of now for preserving our Sovereignty and Independency, as they were then.

It is Her Majesty's Glory, that she proposes Q. *Elizabeth* for her Model; and all Men in Justice must say, that for what has hitherto pass'd, Her Majesty has infinitely outdone that great Princess, both in Moderation and Success: and as it was no small addition to the Glory of that renowned Queen, and of her Wise Ministry, that they help'd to deliver *Scotland* from the Thraldom of *Spain*, it will be no less Glorious for Her Majesty Queen *Anne*, and her present Ministry, to have it recorded in future Story, that they agreed to set *Scotland* free from such Incroachments by Foreign Councils, upon their Religion, Liberty and Trade, as prov'd ruinous to that Country, and have ever since

the

the Union of the Crowns been ſo far from promoting the true Intereſt of *England*, that they have only tended to embroil and endanger it This we have more reaſon to expect from Her Majeſty, who is our Natural Sovereign; and certainly all prudent *Engliſh men* will conſider the conſequence of ſtreightning Her Majeſty, in doing ſuch things for her ancient Kingdom of *Scotland* as ſhe is Adviſ'd to by the great Council of that Nation, (if they be not a demonſtrable Injury to *England*) leſt the Preſident ſhould come home to themſelves, and give a Handle to future Princes to prefer foreign Advices, in National Concerns, to that of their great Council the Parliament of *England*, for in this, as well as in other things, *what has been, may be.*

I ſhall touch a little further upon the Communication of Trade, and Freedom of the *Engliſh* Plantations, which ſo many of our Country-men ſeem to deſire, and is the moſt popular Handle that can be made uſe of in *Scotland* for delaying the Succeſſion. I confeſs I don't underſtand Commerce ſo much, as to be able to form a Judgment, whether this Communication, if granted, would be of moſt Advantage to *Scotland* or *England* Our *Scots* Parliament ſeem'd to refer it to a Treaty, and to that I leave it: Only thus much I think may be ſaid, that tho' I be not for making it one of the Conditions of Government upon the *Engliſh* Succeſſor, becauſe of the dangers that might follow ſuch a delay, yet I think there's a great deal to be ſaid why our Country-men ought to have a Hearing on that Matter. As, 1. The Abſence of our Prince and Court, which hinders Money from coming into the Country by Foreign Ambaſſadors, Travellers, Merchants, and others, that a Court neceſſarily draws after them. 2. The great decay of our own Manufactures, and

other

other Trade, which the Presence of a Court does mightily encourage. This, I am sure, the *Londoners* ought to be sensible of, who made such loud Complaints in K. *William*'s Time, because his frequent Absence beyond Sea did so much lessen their Trade. 3. The great Export of our Money, by our Nobility and Gentry who are oblig'd to attend the Court; and when there, they buy the chief of their Apparel and Furniture in *London*, which enriches *English* Tradesmen, and ruins those at home. 4. The Absence of our Court deprives us of a Theatre of good Breeding, which obliges more of our Gentry to go abroad than would otherwise be needful; and in going and returning, they generally Visit *London*, and, if of any Quality, must pay their Respects to their Sovereign, which drains our Country of a great deal of Money. 5. The Union of the Crowns dissolv'd our Ancient and Honourable Alliance with *France*, where we had the same Privileges with the Natives, a constant Nursery of Military Men, and such Posts in the Court and Army as made Honourable Provision for the Younger Sons, and sometimes for the Eldest Sons of our chief Families; and the remainder of those Privileges which was an Immunity of 50 *Sous per* Tun on our Shipping, was taken away by the late Lord *Hollis*'s means, when Ambassador in *France* for K. *Charles* II. 6. Since *Scotsmen* have contributed so much to People, Enrich, and Defend the *English* Plantations, and since so much *Scots* Blood is constantly shed in the Armies and Fleets of *England*, in which our Country men have always their full proportion of Danger and Loss, whatever they have of Honour and Profit, it would seem to be no such unreasonable thing for those who live under the same Allegiance, and upon the same Island, who are of the same

Religion, who have the ſame Common Intereſt, and who on all Occaſions contribute their Endeavours againſt the Common Enemy, to demand a Communication of all other Privileges with their fellow Subjects. But inſtead of being allow'd this, we are cramp'd and diſcourag'd in our Endeavours at home and abroad: We contribute to obtain Victories, but have neither Honour nor Benefit by them: And when Treaties of Peace are ſet on foot, the Intereſt of *Scotland* is no more conſider'd, than if we were not a Nation. If we commit any Crimes, we have the Privilege indeed of being Tried, and puniſh'd as *Engliſh* Men, without a *Medietas Linguæ*; but for Matters of Advantage and Reward, we are, generally ſpeaking, worſe treated than Foreigners, of which many Inſtances might be given both in *England* and the *Weſt-Indies*. And when our Miniſtry have ſometimes endeavour'd to redreſs or prevent our Publick Grievances of any ſort, they have either been turn'd out of their Poſts, or frighted into a Compliance.

Theſe are a few of the many things that have occaſion'd *thoſe Diſcontents*, and *that Poverty*, which my Lord *Haverſham* has obſerv'd with too much truth do abound in our Country; and to which may juſtly be added, that it muſt be the removal, and not the continuance of thoſe Grievances, that will make our Nation eaſie.

I come now to the Clauſe for Arming our People, from which that Noble Lord, and other good Patriots of *England*, are apprehenſive of ſo much danger.

It muſt be own'd, that Strangers who know not the State of our Country, or the Proceedings of our Parliament about that Act, have juſt enough ground for ſuch Apprehenſions: And ſome of our Country men, who are not ſo much diſpleas'd with the Act, as they

are

are desirous to make it a Handle against the New Ministry, are very forward to heighten those Jealousies; and their Partiality is so much the more gross, that they say nothing of the *Act of Peace and War*, that pass'd under another Ministry, which leaves us at liberty (in case of the same Successor with *England*) to engage in their Quarrels or not. And this we must observe by the way, was our undoubted Constitution and Right, ever till the Union of the Crowns, for our Princes could engage in no War before that time, without our Parliaments Consent.

But to return to the Arming of our People: That Clause was promoted by as good *Revolution Men*, and as firm *Protestants*, as any in *Scotland*. The Noble Lord who (to use the English Phrase) propos'd the tacking of it to the Money-Bill, is firm to that Interest, and lives in that part of the Kingdom which is the strength of our *Revolution Party*; and many other Noble Lords, and not a few Gentlemen of the same Principles, concurr'd with him. Besides, this Clause, with all the others in the *Act of Security* as now pass'd, was carried by 70 Votes, and debated and agreed to with such Solemnity and Deliberation, (the Parliament before) as the like has not been known in *Scotland* for 100 Years backward. The refusal of the Royal Assent to that Act then, hindred the Parliament's giving Money to the Court, and the like refusal now would have had the same effect, which might have prov'd much more dangerous at this time, because then there was Money in the Treasury to pay the Standing Troops but now there was none; so that the Army must have been Disbanded at a time when all Informations from Abroad spoke of an Invasion. Let any Man consider then, whether it was safe for our *Scots* Ministry to Advise Her Majesty to re-

fuſe the Royal Aſſent to an Act for Arming *her Proteſtant Subjects*, at ſuch a Juncture as that, thereby endangering their Country ſo much it might have coſt them their Heads

I know there are ſome who object that our Troops might have been paid by Money from *England*, but theſe Men ought to conſider, that the Parliament of *Scotland* would have proſecuted for High Treaſon any Man that ſhould have propoſed or concurr'd in ſuch a thing; becauſe they could not but interpret a ſtep of that Nature, to be a manifeſt deſign to ſubject her Majeſty's Crown and Dignity as Queen of *Scots*, to the Government of another Kingdom, for Standing Armies will readily act as their Pay-Maſters would have them.

To this may be added, That the diſarming of our Proteſtant Subjects, being one of the Grievances the Nation complain'd of in the Claim of Right, and never effectually redreſſed till now, by the above-mentioned Clauſe of the *Act of Security*, the Revolution Party in *England* has no juſt Cauſe to be offended at it; and ſo much the leſs, if it be conſidered, That in thoſe Reigns, when Popery and Slavery was the Deſign, the beſt affected Shires in the *Kingdom* were diſarm'd; and by the Act againſt *Conveening the Lieges*, &c it was made no leſs than High-Treaſon for any of the Subjects (except the Militia) to meet together in Arms for Diſcipline; and at laſt the Government dar'd not to truſt even the Militia be South *Tay*: So that by this means the beſt and moſt populous Counties of the Nation, were expoſed to be ravag'd by Highland Hoſts and ſtanding Forces, and to all the other Inconveniencies which attend an oppreſſed and defenceleſs People; whilſt thoſe Counties where Papiſts and Men of Arbitrary Principles are

moſt

moſt numerous and have the greateſt ſway, were allow'd the uſe of their Arms, in order to over-awe the reſt, and ſtill continue better arm'd and diſciplin'd than the other Counties, generally ſpeaking; ſo that by the *Act of Security*, the beſt affected Shires are put in a Capacity of being arm'd and diſciplin'd as well as the other, without any danger from thoſe oppreſſive Laws: And as thoſe Counties lie next to *England*, and make up the Strength of the Revolution Party in *Scotland*, they will rather prove a Barrier than an Offence to *England*, and cordially join with them in the ſupport of a Proteſtant Succeſſion and Common Liberty; ſo that inſtead of conceiving any Umbrage at thoſe Peoples being arm'd and diſciplin'd, It would ſeem to be the Intereſt of the Government to ſend them Arms *gratis*.

I ſhall conclude this Head with obſerving that our Parliament has taken ſo much care to prevent Papiſts and Jacobites from making any advantage of this arming Clauſe, that *none but Proteſtants are allow'd to be arm'd*, and the *Freeholders* who are to Command and Diſcipline our People, are by the ſame Act obliged to take the *Oath of Allegiance*, and likewiſe the *Aſſurance*, by which *they declare that in the ſincerity of their Hearts, they acknowledge and aſſert that her Majeſty Queen* ANNE, *is the only Lawful and undoubted Sovereign and Queen of* Scotland, *as well* de Jure, *as* de Facto; *and that they ſhall with Life and Eſtate maintain her Majeſty's Title and Government, againſt the pretended King* James VIII. *his Adherents, and all other Enemies, who either by open or ſecret attempts ſhall diſturb or diſquiet her Majeſty in the Exerciſe thereof*; And all Men capable to bear Arms, and *ſuſpected of Popery* are by the ſame Act obliged when required to renounce Popery in

Groſſe,

Groſſe. So that its hard to be imagined why the Revolution Party in *England*, ſhould be apprehenſive of danger from the Armed and Diſciplined Proteſtants of *Scotland*, ſince the *Saliſbury* Campaign is ſufficient to convince them, that a Proteſtant Army is by no means proper to maintain a Popiſh Prince on the Throne, and much leſs to bring one to it who with the Idolatry of *Rome* has ſuck'd in the Tyranny of *France*.

Beſides, this Act for arming the People, will ſcarcely ſupply the laying aſide of our Militia, by the Act of *May* 23. 1693. Except in caſe of an Invaſion, on conſideration of a preſent Levy of 2797 Foot, then granted to King *William*, for the Defence of the Kingdom; together with 1000 Men Yearly for Recruits, by two Poſterior Acts; ſo that its a very hard caſe for a Nation neither to have a Militia, nor their People armed and diſciplined. For that objection made by ſome, that the *Act of Security* Arms thoſe whom King *William* did diſarm for diſſaffection to the Government; its a palpable miſtake, becauſe none are allowed to be armed and diſciplined, but ſuch as take the Oaths of Allegiance and Aſſurance as above-mentioned.

The Learning and Bravery which my Lord *Haverſham* ſo Generouſly aſcribes to our Nobility and Gentry, muſt certainly give them an utter Averſion to Popery and Slavery, which may well encreaſe, but can never remove, their diſcontents. We know *French* performances too well, to give much heed to their Promiſes; and ſince by their former aſſiſtance againſt *England*, they had well nigh bereft us of *Scotland*, Whatever particular Perſons may do, its certain the Generality of our Country will never be for making another Experiment, except Violent meaſures againſt their Inclinations drive them to ſuch a fatal Neceſſity, which

which we hope in God will never be the Case. Our Common People are numerous its true, and God knows, their Poverty (taken notice of by his Lordship) is too too great, but I am sure they are sensible that a *French* Army will never make it less, nor will the Learning or Bravery of such of our Nobility, as shall attempt the bringing in either *French* or other Troops to force a Successor upon us without previous Limitations, protect them from the Resentments of our numerous Commons, whose Native stoutness is as well known *on the Banks of the* Danube, as that of our Neighbours, and were others as Generous and Just as his Lordship it would be more taken Notice of.

The same Apprehensions of danger from Standing Troops in time of Peace, which his Lordship expresses, is one of the most Cogent Arguments that can be made use of for our Country to Arm and Discipline. We have felt abundance more of the sad Effects of a Standing Army in time of Peace, since the Union of the Crowns, than *England* has done I am sure: when the best Counties of the Nation were oppress'd and disarm'd, we had Standing Troops, and *Highland* Hosts made use of by our Government, to force us to a Compliance with *the* English *Prelacy*, which gives ground enough for us to Arm and Discipline, lest the same Men should be made use of again, to force us to a Compliance with *French Popery*; And his Lordship may rest assured, that those Counties which lie next to *England*, and forfeited the pretended Father, will never make use of their Arms and Discipline to bring over the supposed Son. If any thing of that nature be done, it must be by those Counties which were armed and disciplin'd before our Act of Security.

I come now to the Wooll Act, and then shall have done,

done. It is really hard that a Free Nation ſhould be oblig'd to account for their Proceedings at Home to their Neighbours Abroad, and that they muſt neither buy nor ſell but as others pleaſe. However, as to the Wooll Act, the Fact is thus. The People concern'd in our few Manufactures complain'd, That under pretence of exporting Engliſh and Iriſh Wooll, our own was carried off, ſo that they could have none to work: And this occaſion'd the Prohibitory Act againſt exporting thoſe Commodities. And pray take Notice, that the ſaid Act expired with the laſt Seſſion of Parliament; ſo that our People might without this new Act have exported what Wooll they pleaſed. But our Farmers by that Prohibition had their Wooll lie rotting upon their Hands, ſo that they could not pay their Rents: And this occaſioned the Act for Exporting our Wooll, which ſome People transform into a Deſign againſt *England*, and make part of a Plot to bring over the *Pretender*; tho' by Act of Parliament in King *Charles* II'ds time, the Lords of our Treaſury were allowed to grant Liberty for ſuch Exportation, and that it was our beſt affected Counties which ſuffered moſt by the Prohibition, and put in the Requeſt, by which the Act was procured; which at the ſame time is to laſt no longer than till the cloſe of of the next Seſſion. Thus, *Sir*, I hope you are ſatisfied that there's no ſuch Danger in our New Miniſtry, *Act of Security*, or *Wooll Act*, as ſome People would ſuggeſt to you. I remain,

SIR,

Your humble Servant.

A

REPLY

TO A

PAMPHLET

ENTITULED,

The L---d H------'s *Vindication of his* SPEECH, &c.

By the Author of the Review.

LONDON:

Printed in the Year 1706.

REPLY

TO

PAMPHLET

A REPLY TO A PAMPHLET ENTITULED,

The L--d *H----sham*'s Vindication of his SPEECH, &c.

I Know nothing more Difficult, in Replying to the Defence of my Lord *H——sham*'s Speech, than to come at a Certainty, whether it be his Lordſhip's own Doing or Not. The Paper, which was formerly Call'd his Lordſhip's Speech, I Talk'd to, as not of his Lordſhip's Doing, and I am with much more Reaſon Enclin'd to Treat this the ſame way, tho' perhaps I may be Miſtaken in both.

Be it as it will, I think my ſelf oblig'd to Determine, in what Form to Treat of it, as the Foundation of my Diſcourſe, and as the Ground of my Method; and whether I gueſs Right or Wrong, the Defence of the Manner lies upon the firſt Suppoſition; and therefore this Author when Charging me with Diſregard to his Lordſhip's Quality in my Expreſſions, is pleas'd to forget, that I firſt ſuppos'd that Paper *not to be his*.

Nor is it enough to ſay, I knew it to be his Lordſhip's Speech, for what ever by Common Fame, *which 'tis own'd is a Common Lyer*, might be ſuppos'd, it was for me in ſo Nice a Caſe, to take things not by their Suggeſted, but by their Apparent being, and as in the Sence of things, no Man could fairly

say, it was his Lordships, it was so much the more justifiable to suppose it was not, and so it is here.

I know very well it was Expected, *and perhaps by his Lordship*, that I should have been Question'd, for the Freedom I took with that Paper, and Summon'd to Answer for it at the Bar of the House of Lords, but as that Honourable House understood better, so I am not Asham'd to say, I understood better than to Apprehend it; and, for this time, supposing my self speaking to my Lord I make the same Answer here, That *had I been call'd up to speak to it*, I should have given there, *viz.*

My Lord, I know nothing of a Speech made in the House of Lords by your Lordship, or any other Member of that House. Here is a Pamphlet Printed which I have spoken to, if there had been my Lord *H——sham*'s Name to it, I know my Duty to your Lordship's Quality better, than to have spoken to it in such Terms; or if it had been Printed, by Order of the House of Lords, I know the Duty of an Author better, than to meddle with any thing Transacted in that Honourable House; but as I met with a Nameless Pamphlet, neither Publish'd by their Lordships Authority, nor Sign'd, or own'd by your Lordship, whose Title it bore, but coming openly into the World loose, and without a Parent or *Imprimatur*, and with exceeding warmth, *as I judg'd*, Allarming the Nation; *as such* I Treated it with that Freedom, that I thought it deserv'd; and that in the Nature of the thing, I was at Liberty to do.

Now, tho' I think this a sufficient Answer to the Charge, upon the Manner or Language of the *REVIEW*, yet I shall in the Ensuing Sheets, farther justifie and Explain those Expressions, which his Lordship's, Vindicator Charges upon me as Indecent, *for it is not my way, nor do I approve of Ill Language in Argument, especially to Persons of his Lordship's Merit and Dignity.*

I Confess there are in this Paper, some strong Arguments against the Opinion, of its being Genuine. As *1st.* The Language, very much below his Lordship, *2ly.* want of Truth in Fact, *3ly.* Meanness of Arguing. And, *4ly.* Inequality of Subject, all which shock me very much, when I would take this Paper to be my Lord *H——sham*'s, my Respect for his Lorship, not permitting me to think, his Lordship could take such low steps to come out of a Mistake.

I know there are some Passions, which when Men are mov'd by, they remove them at some Distance from their Wisdom, and Hurry them into strange Excesses, which their Discretion can by no means Account for; among these, I know none affect the Mind so much, as Envy and Party-Strife; and nothing is so low, but these things will bend the Man to, in hopes either of Answering his own Ends, or Defeating his Opositites.

But whoever be the Author of this Paper, I shall let the World see, that whatever Disrespect Men may think, I show'd to an Anonymous Pamphlet; I know how to behave to a Member of the *English* Nobility, and I shall neither for-

get

get his Lordſhip's Dignity, NOR WHO GAVE IT HIM; and if am forc'd to any plainneſs, his Lordſhip may think Indecent, it will be none but what Truth will Extort from me, TO WHICH, *what ever his Lordſhip's Vindicator has thought fit to do*, I think my ſelf Bound to a ſtrict Obedience.

I Confeſs, I think the Vindicator does the Author of the *Review* too much Honour, Thus to meaſure his Pen with him, and at the ſame time to give him ſuch Manifeſt Advantages in point of Fact, and length of Argument; and the Author gives the Vindicator his moſt Humble Thanks, that he is pleas'd to Deſcend to the Claſs of this *mean thing* the *Review*, and with him Appeal to the World, who this Author moſt willingly Conſents to make Judges in the Caſe.

And as, in all Caſes, he hopes his Lordſhip will Grant him full Freedom of Speech, and think it below him to Concern himſelf or the Peerage of *England*, in an Anſwer to a Pamphlet, which has not his Lordſhip's Name to it; ſo he aſſures his Lordſhip, he will Endeavour to give him Occaſion, to think the Statute of *Scan. Magnatum* uſeleſs in this Caſe.

In Order to this, the Author of the *Review* paſſes over at once, all the Ill Language, the Vindicator is pleas'd to beſtow upon him, as things, which however in his Wiſdom he may not think below him to ſtoop to, the Author thinks it below his Breeding to return, and cannot think they Illuſtrate the Vindicator's Arguments enough, to Encourage him to follow the Example, having moreover, ſo much more Truth and Reaſon of his ſide, as to ſtand in no need of Railing to help themout.

The two firſt Paragraphs of this Pamphlet, ſeem to ſtand one againſt another a little, and I ask the Anthor's Pardon to reconcile them, to which End I muſt take the Freedom to repeat them——as follows,

THE Inſults and Scandalous Reflections that have been made upon me in ſeveral late *Reviews*, tho' they are beyond all Precedent, yet ſhould
" have been without any Notice, *had the Author of thoſe Papers been the*
" *only Perſon concern'd in them*: but being convinc'd upon Enquiry, from
" whence he had both his *Encouragement and Inſtructions*, and being un-
" willing to be thought guilty by default, or that Silence on my
" part ſhould go for Confeſſion, or Railing on his part go for Rea-
" ſon, I chooſe rather to Appeal from the Malicious Inſinuations and
" falſe Suggeſtions of thoſe Papers, to the Candid and Impartial Judg-
" ment of every unbiaſs'd Reader, *than take thoſe Advantages which his*
" *Raſhneſs and Impudence, perhaps, have given me.*
" I would not have it thought, I am entering the Liſts with ſuch
" a MEAN AND MERCENARY PROSTITUTE as the Au-
" thor of the *Review*: I know better the Regard due to the Peerage
" of *England* (*tho' ſome have forgot it*) than to leſſen either That or my

" Self

" ſelf to ſuch a Degree. But when a Perſon, my Equal (excepting a " few Accidental Ornaments and Advantages which I do not pre- " tend to) *who never yet would give me any Anſwer elſewhere, tho' more than* " *once provok'd to it,* has betaken himſelf to ſuch unuſual and unbeco- " ming Methods; 'tis but Juſtice to my ſelf to let him ſee, that as " I Court no Man's Favour, ſo I do not fear any Man's Power ſo " much as to deſert my own juſt Defence in a Compliment.

The firſt of theſe, is wholly upon the Poor Author of the *Review*, and any one I believe would imagine his Lordſhip's Vindicator was entring the Liſts, with this *Mean and Mercenary Proſtitute*, as the Vindicator is pleas'd to Call him; and therefore he finds it abſolutely neceſſary to open their Eyes, by adding the Second Paragraph, to let a Certain Perſon of Honour know, that *ſomebody* having try'd a great many ways before to Provoke him to a Reſentment, *which he never thought worth his while*, he was Reſolv'd to try this of Pamphletering, and ſo the Poor *Review* comes in but by the by, like a Man that beats a Dog, not for any Spleen at the Poor Cur, but to Provoke his Maſter.

In which alſo, he chances to be in the Unhappy Miſtake, that he falls foul on another Man's Dog inſtead of his Enemies; and THIS CUR takes it ſo Unkindly, that he tells him of it again as well as he can, in hopes to Convince him of his Error.

But to come to Particulars; The Vindicator offers here, *1ſt.* That *the Author of theſe Papers, is not the only Perſon Concern'd in them.* And, *2ly. He is Convinc'd* upon Enquiry, *from whence he has both his Encouragement and Inſtructions*, and on the Foot of theſe Suggeſtions, I ſuppoſe he can juſtifie the Terms afterwards beſtow'd on this Author, of *Mean, Mercenary*, and *Proſtiſtitute.*

I moſt Humbly ask his Pardon for ſaying, *Neceſſity forcing me to it in Vindication of Truth*, to his Misfortune and MINE TOO, not one Word of theſe Articles happens to have the leaſt Shadow OF TRUTH in them.

That no Man in *England* has, or ever had any Concern, in Writing the Paper Call'd the *Review*, other than the Author, known and Reputed to be ſo, I take the Liberty to aſſure him, is a certain, poſitive, Literal, and Direct Truth, and that not ſo much as Subject, Manner, Time of Subject, or any part of, in, or belonging to it, has been ever Dictated, Suggeſted, beſpoke, or deſir'd, or any other way, directly or indirectly, ſo much as hinted, or mov'd to him, by any Perſon whatſoever.

And my Certainty of the Truth of this makes it plain, his Lordſhip cannot be the Author of this Paper; a Perſon of his Lordſhip's Dignity, Veracity and Judgment, would never run the Riſque of advancing ſuch a thing, for which I am very well aſſur'd, his Grounds muſt be ſo weak and uncertain, and which muſt return upon his Character with ſo much Diſadvantage.

The

The next thing advanc'd in this Vindication is, that he is Convinc'd upon Enquiry, from whence I have both my Encouragement and Instructions, I confess I could be very well pleas'd if some of this *were True*; and that I had either Encouragement or Instructions from any body, in my Resolute pursuit of Truth and Peace; but, *to my Misfortune*, the Fact of this is wrong too; upon what Enquiry the Vindicator may be Convinc'd, I confess I cannot determine; I know light Information will satisfie some People of what they would have true; but I must beg his Pardon to say, that certainly his Informer must be an Impostor, and I should esteem it a piece of Justice, that I should always acknowledge, if his Lordship or his Vindicator would Vouchsafe to Confront that Evidence, either with me or any other Person, by or from whom, this Encouragement, and these Instructions have been receiv'd, and when, or in what manner given; for certainly when both were brought to the Light, he would be convinc'd he was impos'd upon, and resent it accordingly.

If I were to run through the *Black Lists*, of the *Encouragements* I have met with in the World, while I have Embark'd my self in the *Raging Sea* of the Nations Troubles, this Vindicator would be asham'd to call them Encouragements; how in pursuit of *Peace*, I have brought my self into innumerable *Broils*; how many Exasperated by the *sting of Truth* have vow'd my Destruction; and *how many ways attempted it*: how I stand alone in the World, abandon'd by those very People that own I have *done them Service*; how I am Sold and Bettay'd *by Friends*, Abused and Cheated by Barbarous and *Unnatural Relations*, su'd for *other Mens* Debts, and strip'd Naked by Publick Injustice, of what should have Enabl'd me to *pay my own*; How, with a Numerous Family, and no helps but my own Industry, I have forc'd my way with undiscourag'd Diligence, thro' a Sea of Debt and Misfortune, and reduc'd them Exclusive of Composition from 17000 *l.* to less than 5; how in Gaols, in Retreats, in all manner of Extremeties, I have supported my self without the Assistance of Friends, or Relations, either to me or mine; how I still Live without this Vindicator's suggested Methods, and am so far from making my Fortune by this way *of Scribling*, that no Man more desires a Limitation and Regulation of *the Press*, than my self; especially that *Speeches in Parliament* might not be Printed *without Order* of Parliament, and poor Authors Betray'd, to Engage with Men too powerful for them, in more forcible Arguments than those of Reason; if I should still acquaint him, that whatever he suggests, I shall never starve, tho' this way of Encouragement were remov'd; and that, were the Trade with *Spain* open, I shall Convince the World of it, by settling my self Abroad, where I shall receive better Treatment from both Friend and Enemy than I have here.

These Melancholy Truths, tho' I confess my self full of them, I omit Troubling the World with, only to assure this Vindicator, that the Encouragements suggested to be receiv'd, for the Writing against the Printed Paper, Call'd a Speech, are meer Fictions of some Persons, who

Court

Court some Men's Favour at the Expence of their own Honesty, and deserve their Resentment, for imposing upon them.

But then we come to Instructions, and I confess my self to have receiv'd some Instructions in my Answer, from a very Noble Person, and to whom, I shall always pay a due Acknowledgment for the same; and this Noble Person, let him be who he will, is no body but the Author of that Pamphlet, Entitl'd, my Lord *H——sham*'s Speech.

The Instructions there given, are so plain, so easie, so frequent, and so urgent, that I confess my self press'd by Invincible Necessity to answer, for when the *Fact* appear'd so *plain*, the *Suggestions* so *naked*, and *the Temper* so *singular*, who could refrain himself from speaking? I am therefore accountable for nothing but the Truth of what I have said; and in that I am ready to embrace the worst Consequences, having been *once ruin'd* for speaking Truth, and *not afraid still* to defend it to the last Extremities.

The last of the Three Articles which the Vindication advances, I take to have some Passion in them; but as they touch, that only Reputation the Fury of Men has left me, I must ask Leave to say a Word or two in my just Defence; and tho' the Case be too personal, yet the tedious Vindication of his Lordship's Person, is my Precedent.

Mean, *Mercenary*, and *Prostitute*. These are the Titles his Lordship's Vindicator bestows upon me.

To the first; Meaner, my Lord, in my own Eyes than in any Man's; and willing to be as mean as Man can make me, for the Service of my Native Country, and the Defence of Truth, Peace, and the Liberty of *England*. But without entring into the Determination of what is or is not to be understood by Honour, I ask his Lordship's Pardon on this Occasion, only to value my self without Pride or Affectation in a manner I never did before. I had the Houour to be Trusted, Esteem'd, and much more than I deserv'd, valued by the best King, *England* ever saw; and yet whose Judgment I cannot undervalue, because he gave his Lordship his Honour and his Dignity, which was sometime before as mean as M . . . But Fate, that makes Footballs of Men, kicks some up Stairs and some down; some are advanc'd without Honour, others suppress'd without Infamy; some are raised without Merit, some are crush'd without Crime; and no Man knows by the Beginning of things, whether his Course shall issue in a *PEERAGE* or a *PILLORY*; and time was, that no Man could have determin'd it between his Lordship and this mean Fellow, except those that knew his Lordship's Merit more particularly than Out-sides could have directed. In the Grave we shall come to a Second and more exact Equality; and what Difference follows next, will be form'd on no Foot of Advantage from Dignity or Character here; so that this mean Fellow has less Disparity to struggle with, than the Usage of him seems to allow.

But to return to the Days of King *William*, and to Matters of Honour ——— If I should say I had the Honour to know some things from his Majesty, and to transact some things for his Majesty, that he would not have treated his Lordship with, perhaps there may be more Truth than Modesty in

it.

it; and if I ſhould ſay alſo, theſe Honours done me, help'd to make me that mean thing, ſome People ſince think fit to repreſent me, perhaps it ſhould be very true alſo.

Thus much for Meanneſs, the Charge of which, I thank Heaven is no Crime. A Man ought not to be afraid at any time to be mean, to be honeſt; Pardon me therefore, with ſome Warmth to ſay, That neither the Vindicator, nor all his Informers, can with their utmoſt Inquiry make it appear, that I am, or ever was *Mercenary*; and as there is a Juſtice due from all Men, of what Dignity or Quality ſoever, to one another, the wrong done me in this, can be Vindicated by nothing, but proving the Fact; which I am a moſt Humble Petitioner, that he would be pleas'd to do, or elſe to give me leave to ſpeak of it in ſuch Terms, as ſo great an Injury demands.

Here I Appeal from the Pamphlet, Publiſh'd in his Lordſhip's Name, of which I cannot be ſure, whether it be his Lordſhip's or no; to that Noble Perſonage, My Lord *H——ſham* who I am applying to, and to that Honour, which by his Peerage is accepted inſtead of an Oath, even in matters of Life, whether his Lordſhip can fairly Charge me with one Action in my Life, that can Entitle me to that Scandalous Appellation of a *Mercenary*.

No, my Lord, *Pardon my Freedom*, I Contemn and Abhor every thing, and every Man that can be Tax'd with that Name, let his Dignity be what it will; I was ever True to one Principle, I never Betray'd my Maſter or my Friend; I always Eſpous'd the cauſe of Truth and Liberty, was ever on one ſide, *and that Side was ever right*; I have Liv'd to be Ruin'd for it, and I have Liv'd to ſee it Triumph over Tyrranny, Party-Rage, and Perſecution Principles, *and am ſorry to ſee any Man Abandon it.*

I thank God, this World cannot bid a Price ſufficient to Bribe me; I confeſs, if I were of that Religion, in which I ſhould think I could Merit Heaven by being a Villain, I know not what I might be prevail'd upon to do, in hopes of ſuch Advantage; but for this World, 'tis the Principle I ever liv'd by, and ſhall eſpouſe whilſt I live, That a Man ought to Dye, rather than betray his Friend, his Cauſe, or his Maſter; I appeal to your Lordſhip's Honour, whether I merit the Scandalous Title of a *Mercenary*, which your Vindicator has Injuriouſly beſtow'd upon me.

I own I am a at loſs to know, or indeed to gueſs what ſhould move this Author, while at the ſame time he is pleas'd to blame my Language, to fall into this Meanneſs himſelf, and Attack me with a Miſſive Weapon, which will flye back, and do him more Injury than it can do me.

I confeſs, I have been too long in my own Vindication, and perhaps the Reader may be tyr'd with it, but I Appeal to the occaſion, to prove the Neceſſity of it; to be Call'd *Proſtitute*, *Hackney*, *Tool*, *Foul Mouth Mungrel*, with a Charm and Protection, that Writes for Bread, and Lives by Defamation; Inſolent Scribler, a Scandalous Pen, Raſh, Impudent, and the like; all theſe move me not at all, and only help'd me to judge, that it was impoſſible this Noble Lord could be the Author of it, the Language is ſo Groſs;

but to be withall Tax'd with being *Mercenary*, which I am ſure this Vindicator cannot make out, I thought my ſelf oblig'd to defend my ſelf from that Scandal, and I hope all that have any Reſpect to Truth, will bear with it.

I come next to the Terms fixt upon in the *Review*, as the Subject, the Vindicator Complains of as Abuſive; but conſidering his return in kind, 'tis ſtrange he ſhould object againſt Railing: Before I enter upon them, I muſt Complain of ſome Injuſtice in the Collection of them, being put together without the Coherence of their Circumſtances, and moſt of them very well to be juſtifi'd, when Explain'd by the *Addenda* that ſtand by them——See the Paragraph.

" I begin with the *Reflections made upon my Perſon*; and here it looks " very unaccountable, how one that has pretended to *ſo great Moderation*, as the Author of the *Review*; ſhould be carried ſo much above " his *avow'd Principle*, *in a Matter he is ſo very little concern'd in.* It " muſt certainly be the force of ſome *irreſiſtible Temptation*, or the Occult Quality, and malign Influence of ſome *Ruling Star*, that warmed and tranſported this *State-Mountebank*, when he Wrote thoſe Papers, to ſuch a degree above his pretended Moderation-Temper, as " to characterize a perſon he had not the leaſt knowledge of, with as " black marks of Infamy as he could invent, or durſt venture upon: " *as if for ſpeaking my Mind with the Duty of a Subject and the freedom of* " *an* Engliſhman, I became every thing that was not *Scandalum* " *Magnatum.*"

What a Monſter has one Speech made me, he ſays? *'tis calculated and ſcrew'd up to a pitch of Malecontent and Chagin; as if done on purpoſe to ſour the Nation, and printed with an unpeaceable and miſchievous meaning; to be deſign'd to keep alive a Malecontent Party; by a Mouth bent to Noiſe and Reflection; by a perſon malign to the Settlement, in hopes to raiſe grounds of Clamour; and as one who has a great many ill Ends; that it was ſpoke with Freedom that conſiſts not* any where *with Duty, Allegiance, Truth, Senſe or Reſpect; with Expectation to force a Fortune by railing at his Betters, reviling the Ruler of the People, accuſing the Innocent, to pleaſe and court a Party; ſpoken like* Solomon's *fool with his Eyes in the Ends of the Earth; propoſing what is ridiculous and incongruous; calculated to revive the heats and dying Quarrels in the Nation, and encourage the follies that Madmen make uſe of to ruin the Country in ſuch Caſes; by a perſon, whoſe fancied Reputation to them that did not know he had——— it, might ſerve to puſh on the ſpecious Sham to an Extremity, and to byaſs honeſt ignorant people in his favour, &c.*

As to my Moderation, I ſhall ſpeak to it by it ſelf; and it will beſt appear, when I ſhall ſhow what I have not ſaid, that Perſons and things would bear, and compare it with what I have ſaid, and the Reaſons of both.

My

My Lord *H———sham* must Excuse me still, if I am not to be drawn in, to Examine a Speech *as such*, and as spoken in the House of Lords, and Treat it still as a Pamphlet——And as such, I would Humbly Entreat *this Vindicator*, to distinguish my Observations *on the Speaking it, from my Observations on the Printing of it*——And as the latter I cannot yet Repent of the Terms objected against, for in all this Vindication I do not see one reason offer'd, or the least attempt to Vindicate the Printing of it, and Publishing it, by the Common Hawkers of Pamphlets, without the leave of the House; spreading is as an Appeal to the People, and this I cannot but think still is 'Screw'd up to a pitch of Malecontent and Chagrin, has an Unpeaceable 'and Mischievous Meaning, and seems to be design'd to keep alive a Malecontent Party, by Noise and Reflection *&c.* Nor can I think I have need of any *Charm* or *Protection* for these Freedoms, which the Vindicator most Unjustly Charges me with.

The next thing he Presents us with, is a Panegyrick upon the former Behaviour of my Lord *H*——— in the Publick Affairs; in which, to do his Lordship Right, I join with him, and am heartily Concern'd he has thought fit to alter his Conduct.

"What a number of unaccountables (as he calls them) are here! "whence could he furnish himself with such an Expence of Scandal, or "rake together such a Load of Infamy? *But no men change so furiously as "that are in* Compact, *and think themselves shot-free, by having their* Charm "and Protection about them. Being then thus unjustly attacked, not so "much by *this Hackney Tool*, whom I despise, as in a M——— in "mascarade, I am compelled to say those things for my self, which "without such provocation, would look vain and boasting.

"This *Scandalous Author* (or who ever bid them say so when he tells "the world that I have ———my Reputation, would have done well to "have prov'd it by Instance. I have had the honour to have *been "Employ'd in some publick Station, and entrusted by some of the Chief of "his Party, at a time when they thought themselves in no small danger, "and when there was not so good an understanding between us*: I appeal to "the Head of them, *whether, at his* earnest Desire, *I did not act the Gentleman-part and serve him faithfully*: And tho' afterwards I had the misfortune to fall under the *Displeasure of a House of a Commons, 'tis as well "known as they are, it was for interposing between them and Danger, for too "vigorously espousing their Cause*: And could never have imagined the same "way of Proceeding in falling upon some and leaving others who were "equally concerned in the same facts (which I always did and ever shall "think very partial) should be lookt upon as unjust when it was some "men's own Case, and quite otherwise when it was the Case of the "*E——— of N———m in the business of the* Sc———h P———t "It was my differing from some men in this affairs that I believe was my "original Sin; which is *never to be forgiven, because it never will be*

" *repented of.* But what, tho' I am ſo unfortunate as to differ in ſome " things from thoſe, who, in my opinion, ſometimes *differ from them-* " *ſelves*; I might, notwithſtanding, both in Juſtice and Gratitude, have " expected better uſage, than to be marked and ſingled out like a " blown Deer, to be run down *the ſhorteſt way by ſuch a foul-mouth'd* " *Mungrel?* If I have not deſerved ſuch a Return, (as by their own " acknowledgements I can ſhew I have not) *thoſe that ſerve them better* " *hereafter, may expect, if poſſible to be uſed worſe.*

" The Maxim is as known as ancient, *'Tis the Office ſhews the Man:* " Let any Inſtance then any of any one ſingle Act of *Partiality, Oppreſſion,* " *Corruption* or *Injuſtice, during my being in any publick ſtation, be charged* " *upon me,* I appeal to the *Sea-Officers* and every *common Seaman* that " knew me, whilſt I was in the *Admiralty.* I made no after-advantage " by *ſerving any Body in the Commiſſion of Accounts*; nor was I *truſted* " *with any Secrets,* tho' I could not ſit there without making Remarks " as well as others: nor did I ever *contrive any Clauſes for the Advantage* " *of the publick Service whilſt out of the Miniſtry, which I forgot when I once* " *got in.*

" Had I ever been ſuſpected for *holding Intelligence with* St. Ger- " mains *or the* French *King*; had my Name been ever uſed in any " *French* or *Scotch* Plots, or mention'd in the *Confeſſion of any dying* " *man*; had I, being an *Engliſh* man, adviſed the Queen to *paſs the Act* " *of Security in* Scotland, or the *Removing or laying aſide any of the Great* " Scotch *Lords,* whilſt *they were* promoting and endeavouring to bring " the Succeſſion to bear, *the two laſt* Seſſions of the *Scotch* Parliament; " or had I before that, upon the preſumptive Confidence of my own " better Judgment, without Communicating the Matter ro any other " Perſon, *ſingly adviſed the paſſing the Act of Peace and War in* Scotland, " and endeavour'd *to ſkelter my ſelf from that Imputation, by perſwading the* " *World that others, who knew nothing of it, were as much concerned in that* " *Advice as my ſelf.*

I ſhall not follow him into the Detail of his Lordſhip's Character, I hope it is all true, and much truer than the Charge upon the *Rexiew*; nor ſhall I examine here, the conſiſtency of ſaying in one Page, *I was Truſted with no Secrets*; and in another, to have the Princeſs *Sophia's* Letter to the Archbiſhop Communicated, or the abundant Signification of ſome other Words, ſuch as theſe *nor did I contrive Clauſes for the Publick Service, whilſt out of the Miniſtry, which I forgot, when I once got in*———While the Perſon there, ſuppos'd to be ſpoken of, never did get in to the Miniſtry, or it ſeems, was ever Truſted with any Secrets, nor any body Accuſed him of Contriving any thing, that I have heard of.

As for holding Intelligence with St. *Germains,* and the *French* King; when it can be prov'd, as well as Sugg.ted, a Certain Gentleman, now Suffering for

for the same words, will, without doubt be Discharg'd without Fees, and some Persons call'd to Answer it; and till 'tis prov'd, the fairness of suggesting it, is left to the World to judge of.

As for Names mention'd in the Confession of a Dying, Man. they whose Breath help'd to put that Gentleman to Death by a New Essay, *Ex post facto*, the first of that Nature, having been so publickly Exploded before, are more Concern'd in what he said, and in what his Blood will say hereafter, than a Person who is known to have no hand in it, in which Case, let Sir *John Fenwick*'s Ghost speak for it self. But these Oblique Reflections, upon Persons of Honour, savour of something, my Respect to good Language suffers me not to Name, and those Negative ways of Charging other People, seem so like a Mob-way of our *English* Women, who for fear of the Law, Reproach one another by *Inuendo*, that to me it seems Scandalous in the Vindicator, as if his Character did not place him in a Station above any thing so mean, as *fearing to speak the Truth.*

Now tho' his Meaning ought not to be fore-closed, to himself deprived of the End of all Ambiguous Expressions, *viz. to mean any Body as it will serve his Turn*, yet since the Persons are to be guess'd at more from the Circumstances of the Person speaking, than of the Persons spoken of; I take upon me to say, That if he pleases to speak out, or at least so intelligibly as may prevent his shifting Names upon a Defeat, I undertake without either Encouragements or Instructions, to defend the Justice of Her Majesty's passing those Acts in *Scotland*, and by Consequence, the advising to it even in an *English*-Man; and that much easier than some Persons in *England* can defend their manifest Attempts to defeat all Possibility of an Union between the Kingdoms, and to exasperate the Nations one against another, by prepolterous Laws, destructive of the Peace of both, and by which they thought they had render'd a bloody War between the Nations, as unavoidable as their Hatred of the present Settlement in *Scotland* is implacable.

I know there are Persons in the World, that differ from me in their Notions of our Circumstantial Obligation as to *Scotland, and by this his Lordship's* Vindicator *will easily judge, that I am not instructed in what I am upon*; but I must ever defend this as a Truth, against all the World, That our being Superiour to *Scotland* in Power, does not singly give us a Title to suppress them; and that a Law to force them to declare the Succession of their Crown with Ours, *Only because we think we can do it*, has no Maxim of State in it, but what will justifie the *French* King in all those Invasions of the Liberties of *Europe*, and Rights of his Neighbours, for which we think fit to declare War against him.

Wherefore I presume to say, That whatever *English* Man advised the Queen to pass a Law in *Scotland*, which Her Majesty could not in Justice refuse, acted the Part of a Man of Honour, Honesty, and true *English* Generosity; since it is, and I hope ever will be, below any *English* Privy Councellor, much less below the *English* Nation, to suppress their Enemies by Tyranny: And *least of all*

to

to adviſe Her Majeſty to abridge the *Scots* of their Liberties, in Order to ſupport our Influence over them.

The Juſtice of Goverment, has no manner of Dependence upon the Power of it, and our being ſuperior to the *Scots* in Strength, tho' that Preſumption once coſt the Lives of 30000 *Engliſh* Men, is far from being a Reaſon, why they ſhould not have an Act of Security, nor why the Queen ſhould not paſs it; and to have adviſed Her Majeſty againſt it, had been indeed to ſhow the Politician, but to conceal the honeſt Man.

We all know the Drift of theſe Men, tho' 'tis ſome Subject of Wonder to ſee this Noble Perſon fall in with it; we ſee plainly enough the Deſign of the Party was to have forc'd theſe Nations upon a War; and the firſt Project was, if poſſible, to provoke and exaſperate the *Scots*, ſo as to make them Aggreſſors; but when they found the *Scots* had no fools about them, rather than fail, they will puſh the *Engliſh* Nation upon it, by making Laws to fall upon the *Scots* firſt; and the weak Pretence of this, muſt be their Trading with *France*, which at the ſame time we agree to in our Neighbours, *Practice our ſelves as to* Spain, where we ſee it our Intereſt, and ſhould do ſo to *France* alſo, if we did not ſtand in our own Light.

To provide for their own Safety, the *Scots* make Acts of Security, and her Majeſty paſſes them; and theſe Gentlemen accuſe thoſe that adviſe the Queen to do it, of being falſe to *England*. The Queſtion is ſhort, was her Majeſty, as Queen of *Scotland*, oblig'd in Honour, and by Oath, to do every thing for the Good and Safety of her Subjects of that Kingdom or no? If in the Negative, *let me deſire thoſe Gentlemen that ſay ſo*, to read the Declaration of Right, on the Foot of which the *Scots* ſettled their Crown on her preſent Majeſty, then Princeſs, and on which her Majeſty entred upon the Royal Adminiſtration; and then anſwer again, *if in the Affirmative*, where was the Error of adviſing her Majeſty to do that which by her Oath, by the *Poſtulata* of Government, by her Duty, as the Royal Parent of her People, her Majeſty lay under Indiſpenſible Obligations to do?

But as theſe things tended to prevent the Deſign of embroiling the Nations, and ſetting on foot a High Church War, ſo it thwarted the Meaſures of thoſe times. I could reveal ſome more Truths on this Head, that would clear up this Matter, but 'tis enough; her Majeſty has taken the Steps of Prudence and Moderation with *Scotland*, as well as with *England*, has defeated the Projects of thoſe that puſh'd at a National Inflammation; that Union ſo long apprehended, and ſo diligently ſtruggled againſt by the Party here, to me ſeems in View. The Parliament of *England*, has thought fit to reſcind the Act which laid a Foundation of a Certain Rupture, and *Peace* the abhorr'd Article that *obſtructs the Party*, begins to extend it ſelf *Northward*, from whence they hoped for thoſe Diſtractions, which they could wiſh for from no Principle but what was deſtructive to the preſent Settlement both in Church and State.

This

This is but a little of what might be said on this Subject, but may serve to let the Reader into the Secret of all this Business, and to open their Understandings who were at a Loss to know why some People were so angry, that the Queen pass'd such Laws in *Scotland*, and suffered the *Scots* to make Provisions for themselves.

Nor can it be useless to note, That abundance of Ignorant People were really prejudic'd with these things, and thought her Majesty had done hardly by *England*, and that they that advised those things, ought to be hang'd, that the *Scots* were bound to do as we bid them, That our King or Queen must be theirs. These People had forgot, or did not understand the Independency of the two Kingdoms; and it begun to be the Word all over *England*, That if the *Scots* would not settle the Crown as we would have them, *we must make them*, and the like.

These ignorant Notions serv'd very well to assist in their Kind, to the Design; and tho' those Gentlemen at the Helm of this Matter knew better, yet it favour'd of the same thing, to reproach those Ministers of State with a Crime, in Advising the Queen to do that in *Scotland*, which, in Justice, Her Majesty could not deny; as if the Queen and Her Council, were to act with *Scotland* purely with a Respect to the Interest of *England* separately consider'd, and not the Right of the two Nations, or Her Majesty's indispensable Obligations, as Queen of both.

If any Minister of State shifted off his Acting thus, as this Paper offers at, it is Matter of Wonder to me, since whoever he be, he can have no better Inscription written on his Monument than, *That for the Honour of* England, *he scorn'd to Advise Her Majesty, against Discharging the Character and Debt of a Just Princess to Her Subjects of* Scotland, *tho' against our seeming Interest.*

'Tis true, the Interest of Kingdoms ought to be consider'd by Statesmen, and a Wise Prince always studies the Good of his People, but Justice must never bow to Interest; we may be wise, but we must be honest; and the whole is to be defended both ways, of which I could say a great deal more, if the Shortness of this Discourse would permit.

I could enlarge here on the Beginnings of this Clamour against the *Scots*, by whom rais'd, and by whom handed on, to such Fatal Extremes; but as that would run me back to *Another Noble Speech*, and embroil me again with Persons as well as Things, I omit it here; only take the Liberty to say, there were more Passions than those of Fear concern'd, in our being so much alarm'd at the *Scots* making an Act for their own Security, if not, some other Measures *to provoke them farther*, would never have been the Consequences; for People really apprehensive of Danger, never study to make it greater, at least, if they are in their Senses.

But this cannot but be noted, that as the first Seeds of this National Discontent are found taking Root in the very Center of their Religious Settlement, and the Quarrel was fairly driving to a Head between Prelacy and Presbytery, 'tis something unaccountable, to see some People espousing it, who were always

ways esteem'd to favour the latter, and from whom other Things were always expected.

But these Things are no stranger, than to hear Arguments from another Hand, for Acquainting the Successor with our *English* Prelates; ——— a Thing, had it happen'd at another Time, would have gone farther towards Confirming the Opinion of our *Bishops being turn'd Presbyterians*, than all the Clamour of the High Chuch could do for two Years past.

The *Romans*, a Generous Nation, scorn'd to subdue their very Enemies upon Dishonourable Terms; and therefore, when some of their Citizens offer'd to betray them, sent them back to be punish'd by their Masters; *Scotland* is not so considerable a Nation, that we should be afraid to do them Justice; nor so inconsiderable a Nation, that we should presume to do them Injury; the Governments are distinct and independent, the Queen acts in a double Cpacity with Respect to the Administration, and is oblig'd to regard Justice to both without Byass, or private Respect; *the* Scots *are not Govern'd by Our Queen, but we are Govern'd by theirs*; and let the Disparity of Nations be what it will, Justice is the Foundation, and the respective Constitutions are the respective Modes of the Government of either.

But I cannot dwell upon this Subject here, and therefore shall make amends for this Brevity in another Place.

This Clause Ends with Gall and Bitterness at the Author of the *Review*; and 'tis the Vindicator's Wonder, *Anglice* Disappointment, that he is not sent *some where*, &c. for saying, That Printing Reflections on Her Majesty, Freedom of Speech, (when at the same time the Reflector demanded all Freedom the same way) was inconsistent with Duty, Allegiance, Truth, Sense, or Respect: And of this I must say, as the Vindication in another Case, 'Tis a Sin I can never repent of, at least till farther Convinc'd of its being Criminal, than by the following Head.

" These might have been tolerable Grounds to have justified the " Pamphleteer's Reflections. *But to speak inconsistently with Duty, Al-* " *legiance, Truth, Sense, or Respect, before such a Presence, and not be in* " *the Tower*; and if I did not, that the Pamphleteer should not be some " where else, *may seem as strange too, as the Railing at my Betters, and* " *Reviling my Ruler, would be to force a Fortune, by Courting a Party, who* " *at present are so far from having it in their power to oblige any Body by* " *their Interest, that 'tis look'd upon by some as a Crime, to have the Ho-* " *nour of so much as the least Acquaintance with them.* But this Author, " who *writes for Bread*, and *lives by Defamation*, thinks those, I perceive, " who are known to be under no Inducement of Necessity, govern " themselves by *his base and mercenary Principles.*

I

I allow, unleſs his Lordſhip will Abate the Extent of his Power, I have not room to Debate with him on the Merits of this Cauſe; but I humbly offer, that if the Vindicator will intercede with his Lordſhip, to wave thoſe, *as I think Exorbitant* Advantages, that I may freely ſpeak Truth, I will prove it inconſiſtent, *&c.* as before, to his Lordſhips Satisfaction, or publickly ask his Pardon: Why his Lordſhip was not ſent to the *Tower*, is nothing to me, any more than why I am not *ſome where elſe*, is to the Vindicator, ſince I cannot ſee that I gave any Offence to Juſtice in what I offer'd.

Come we next to the Vindicator's Defence of the Propoſal, about the Preſumptive Heir being ſent for Over; as follows,

'Tis very wonderful, after all, *that a Propoſal for Inviting Over the Preſumptive Heir to the Crown*, ſhould expoſe a Man to all this virulent Fury: That a Perſon only for mentioning it, ſhould be called by the Names of Mr. *Politicus*, *Speaking Trumpet*, *Grating Saw*, &c. Whoever have read *Great* Britain's *Union*, *and the Security of the* Hannover Succeſſion *conſidered*, will find that Matter was thought on many Months before the Paper, called *Mercurius Politicus* ever appear'd. And tho' the Reviewer is very free in calling this a Ridiculous Propoſal, incongruous and inconſiſtent with the General Good; yet, perhaps this very Perſon would not have been ſo very confident, had he ſeen (as I have) *the Extract of the Princeſs* Sophia's *Anſwer*, dated *November* 3. 1705. to the Archbiſhop of *Canterbury*'s Letter; in which are theſe Words, *viz.* I am *ready and willing to comply with whatever can be deſired of me by my Friends, in caſe that the Parliament think that it is for the good of the Kingdom to invite me into* England. Some Men reading this, I doubt not, will think again. If we only conſidered *what that* Propoſal *has produc'd*, it might deſerve (one would think) better Language. We have had ſeveral Acts of Parliament relating to the Security of the Succeſſion *look'd into ſince*, and *their Defects cured*; by which it appears, that the Succeſſion was not ſo ſafe as was generally imagined: *A Bill for Naturalizing the* Princeſs Sophia *and her Iſſue*, and another to *Eſtabliſh a Regency (in caſe of the Queen's Demiſe)* ſent down to the Houſe of Commons, which thoſe that framed and conſented to, thought no doubt, a *Security to the Succeſſion*: And yet there was not the leaſt Appearance of the *Succeſſion's being ſo much as thought of in* Parliament, *when this* Propoſal *was made*: So that not to Enter into the Conſideration, how far theſe Expedients will be a

'Security, if they prove, as they are thought Great Ones; *he 'that gave the Occasion and Rise to them*, sure, only for that, cannot 'deserve to be thus treated.

Strange! that Anger should so blind Men of Judgment and Sense, that they cannot see so far then, as at another time. Now, that the Reader may not Entertain such General Prejudice without Reason, as is here intimated, I appeal to the *Review*, N° 113. *P.* 450. *Col.* 2. 'I know this Article has been started in Print be-'fore now, by an Author, whose Principle is as well known as 'his Paper; and as his Proposal I shall speak to it. -------- Now 'Mr. *Politicus*, as this Author would be call'd, *&c.*

I cannot imagine, my Lord *Haversham* can suppose I could Treat him so, or that he can be spoken to here, and wonder the Vindicator should suppose it for him: *1st.* Because he is expresly told, that he is not. *2dly.* 'Tis expresly pointed at, who is spoken to. *3dly.* No Body but he, that is resolv'd to mistake, can be so mistaken, the Author of *Mercurius Politicus* having publickly Debated this Point; nor does it argue his Lordship must be meant, because another Paper mentioned it before *Mercurius Politicus:* No, tho' his Lordship had been Author of that Paper, because 'tis here directly told, *who I speak to, and who not.*

But here comes a Strong Argument, to plead for better Treatment; That since starting this Proposal, produc'd more Acts of Security it had that way a good Effect; and on that Account, deserv'd better Treatment. I must ask the Vindicator's Pardon, to make an Allusion or two here. K. *James*'s Male-Administration produc'd the Revolution, the Declaration of the Rights and Liberties of the People, and Abundance of good Laws to secure Property, Religion, Protestant Succession, *&c.*

" He that gave the Occasion and Rise to these things sure *Only* " *for that*, cannot deserve to be thus Treated: If the Vindicator wou'd tell us, That his Lordship made the Proposal for that End, I allow it *& Erit mihi Magnus Appollo*; but if it was only the Effect of the Nation being awaken'd at the Surprize of the Designs they saw on foot, the Merit then lies too deep for my short sight, and I think it has no more, than the Tacking Proposal of a former Parliament had the Merit of the Peoples sending up Wiser Representatives to this.

I confess, the Wisdom of Providence has been very visible, that has Reviv'd *Sampson*'s Riddle among us, *brought Meat out of these Eaters*; and all the Monsters of a Certain Party have been assistant, to Fright the Nation, not *Out of*, but *Into their Senses*, and so have

pro-

produc'd Good Effects to us all: But it must be noted withal, That it has been contrary, both to their Expectation, and to their Desire; and if I think the same, in the Case before me, I am afraid I guess too right to be convinc'd by the Consequences; and where, I beseech you, lies the Merit of all this?

Before I say any more, I must go on with the Text.

'But I fear there are other Reasons that have raised some Per-'son's Spleen: Some perhaps are angry to have heard it said where 'it was, *That there was so great a Favourite as the Duke of* Bucking-'ham *in King* James *I. his time, who (as the* Spanish *Ambassador told* 'his Majesty) had Besieged him, had Enclosed him with his own Vassals 'and Servants, and would suffer no one else to have his Majesty's Ear, or 'so much as come near his Presence, and yet that great Man never had half 'that Power and Favour, that we see some Persons now possessed of.

'They care not to hear of *Taxes laid upon all Court-Preterments*, 'or of Persons being so *fat with Favour and great Offices, as make* 'them insensible of the pressing Necessity a great part of the Nation labours 'under.

'Others do not like it should be said, That *whenever there is a* 'Dispute between a Parliament and a Minister, either the Minister will be 'too hard for the Parliament; and there's an End of your Constitution: 'or the Parliament will be too hard for your Minister, and there's an End 'of your Minister.

Here 'tis apparent who this Paper aims at; That the *Review* is made but the Shadow or Guide for the Bowle, the Point cast at is plain, the Ministers of State are aim'd at, and the *Review* must be a Tool employ'd by them, or else Rallying him would not reach them. Thus I am brought in for a Place; but God knows, without a Salary, I must have a Pension! I wish he was not in the wrong; for as I have hitherto said nothing but the Truth, I know nothing Dishonourable in being so Encourag'd to speak; but 'tis my Misfortune that it is not so; but on the contrary, I am the mean Thing my Author esteems me, for speaking that Truth which all the World has since found true, and that no Man feels the Injury of, but I and my Family.

Now let us Examine what is the Case here, *The present Ministry*, like the Old Duke of *Buckingham*, Besiege and Enclose Her Majesty, &c.

Well! And pray what did the laſt Miniſtry do? Did not they do ſo too? I need go no further than my ſelf, to affirm that I found it ſo, when the humbleſt and moſt diligent Applications for Capitulated Juſtice, could not by the moſt powerful Interceſſions, ever obtain a true Repreſentation to Her Majeſty, but met with the Interruptions of thoſe Gentlemen, who thought it their Intereſt to ruin a Man they could not ----

But let us come to the Hiſtorical Inſtance quoted, The Difference of Men makes the Difference of Caſes, Favourites have always been obnoxious to the People of *England*; and as the *Vindicator* obſerves well, "they were either too hard for the Parliament, "or the Parliament for them. ------ But the Caſes differ, and he has the Unhappineſs to fall upon a Miniſtry, that are the Peoples Favourites and the Queen's too; a Thing perfectly unknown in thoſe Times, and are maligned *Only by a Party*, becauſe they do what cou'd not be done before, becauſe the War is carry'd on by Generals and Admirals that ſtick cloſe to the Buſineſs, and hazard all for the Publick, and fewer Expeditions are made in vain than us'd to be; becauſe the Credit of the Treaſury is recover'd, and even the Scarcity of Money cannot ballance the exquiſite Husbandry and Conduct of him that ſuperintends there, becauſe Foreign Negotiations are not betray'd, and Intelligence is carry'd on at a Nicer Rate than under the Management of greater Pretenders; becauſe Her Majeſty is a Princeſs, that can judge and diſtinguiſh when ſhe is well and ill ſerv'd, and will not hear every Malicious Inſinuation againſt thoſe that do Her Buſineſs faithfully; therefore She is *Beſieg'd and Enclos'd*.

Now ſuppoſing the Fact, tho' I do not grant it; here are King *James* the *Iſt*, and Queen *Ann Beſieg'd* and *Enclos'd* by Favourites; let us examine the Parallel.

King *James*, by one abſolute Reigning, Encroaching Perſon; Her Majeſty, by many, for he calls them *Perſons*; and when Tyranny is Exerted, 'tis always more Dangerous in one, than in many Hands.

King *James*'s Favourite was an Upſtart, of mean Birth, mean Character, and worſe Principles; ſingl'd out by the King for nothing but his Outſide, and his fine Dancing. Her Majeſty, *like a Wiſe Princeſs*, has Choſen Her Servants from the moſt Illuſtrious of Her Nobility, from the Beſt Families of Her Gentry; and ſuch as have Obtain'd Fortunes, it has been by proper Merit, long Service, and a Thouſand Hazards in the Service of their Country.

There is a vaſt Difference between Princes beſtowing Favours and Employments upon worthleſs, vitious, profligate Perſons: *And if Hiſtory lies not*, England never knew a worſe than Him this Author calls

calls *a Great Man*; and then Committing the whole Nation to the Ravenous Luſt of ſuch an Exalted Wretch, ſhutting their own Eyes and Ears againſt the Demonſtrations and Applications of the whole Nation, barring up the Door of Redreſs, and letting Juſting run through the Corrupted Hands of Him that ought to have fallen by the Stroke of it; And a Queen that takes Cognizance of all Publick Matters, that preſides in Her Council, and Perſonally Judges of the Affairs of State, to the Joy, and beyond the Expectation of Her Subjects; that Furniſhes Her Self with Knowledge, and ſtores up Experience from the Wiſdom and Debates of Her Nobility; that ſpends Her Hours in the Houſe of Lords, and if She is Beſieg'd, 'tis by the Illuſtrious Aſſembly of Her Hereditary Counſellors; that judges of Merit, and therefore diſcarded all the Uſeleſs Tools of a Party, who knew not how to Improve Her Royal Favour as Her Majeſty deſign'd it to the Good of Her Subjects, but turn'd it as a Battery againſt thoſe they thought ſtood in their way; and by the ſame Judgment, chooſe Men of Vertue and Integrity to Manage at Home, and Men of Valour and Conduct to Act Abroad, with whoſe Application the whole Nation are pleas'd, and rejoyce; and under Whom, ſuch a Harmony of Contending Partys, ſuch a Peace, ſuch Union, and ſuch general Satisfaction ſpreads through the whole Nation, that under every former Miniſtry the People have been Strangers to.

How then can this Vindication ſay, the Duke of Buckingham *had not that Power and Favour that ſome Perſons are now poſſeſs'd of?* Is not the Queen Daily in the Houſe of Lords, where All have Freedom of Speech, to Complain of theſe Favourites, *as His Lordſhip has lately Experienc'd*? Is not the Parliament Sitting to Impeach them? Let us not Complain, and have Nothing to ſay; theſe Gentlemen are not too Great for an Impeachment; and it would be a Contemptible Excuſe, to ſay, *The Parliament of* England *will not do them Juſtice*: However, if it ſhould be thought that theſe Gentlemen ſhould be too hard for the Parliament (which I mention with Horrour;) yet according to my Lord *Digby*'s Caſe, which this Author cannot forget, 'tis the Duty of an Engliſh Nobleman, to fear no Power, and charge every Traytor. His Lordſhip will for ever Teſtify his Courage and Vigorous Adherence to Juſtice, to tell us theſe Gentlemen's Crimes, and charge them where they are to be, and ought to be charg'd, *viz.* in Parliament; to pamphlet-daub them, beſpatter them with Pen and Ink, and not appear to Impeach them of Crimes, is below an Engliſh Nobleman, and a Man of his Lordſhips Candor and Courage; which ſtill Confirms me in the Opinion, that this Vindication cannot be his Lordſhip's own doing.

In

In an Impeachment before the Parliament, all Matters of Truth will come to Light--------My Lord Treasurer will be Censur'd and blig'd to refund all the Mis-apply'd and Embezl'd Cash with which he has Amass'd a vast Fortune, and rais'd his Family from Beggars to Noblemen, till he is become too Great for his Soveraign, and Terrible to the People, as it was with the Duke of *Buckingham*.

Our Secretaries of State will be detected of Betraying the Councils, and Negotiations of the State, expoſing the Prince to the Scandal, Ridicule and Contempt of the *Spaniards*, as it was in *Ditto* Time and Perſon, in the Caſe of *Count Gondamor*, the *Spaniſh* Match, *&c.*

Our Admirals and Generals will be detected of Betraying their Confederates, not Relieving their Diſtreſs'd Allies, ſuffering beſieg'd Towns to be ſtarv'd before their Faces, and a hundred more ſuch Treacheries *Ala-mode*, the Iſle of *Rhe*, and the City of *Rochelle*.

If ſuch things as theſe can be made out, for God ſake, for the Nation's ſake, for the Queen's ſake, and for our own Honour's ſake, let us impeach them, and bring them to Light. We cannot doubt but the Parliament will be too hard for the Miniſter, when there is Guilt of his ſide, and ſuch things as theſe can be brought on the Stage; and I cannot gueſs but the Vindicator ſuppoſes theſe things, or he, would never have brought the Duke of *Buckingham* for a Parallel, which, without theſe Circumſtances, is as lame as the reſt of the Charge.

Now the Author of the Vindication is pleas'd (by way of Receſs, and to give the Reader Breath) to take another Step below himſelf, and to fall foul upon the poor Author of the *Review* again.

> ' *But for the Author of the Review*, 'tis impoſſible he ſhould Ever
> ' be hearty for Inviting the Princeſs of *Hannover* hither; Even up-
> ' on the very foot he puts it: For if the Preſumptive Heir ought
> ' not to be invited hither (as he ſays) till the Preſs is reſtrain'd by
> ' Law, that virulent Lampoons, Memorials, and the like, may
> ' not ſwarm every Day in the Streets; one in his Circumſtances
> ' would ſoon be reduced to a ſtarving Condition.

To this I ſhall give a ſhort Reply; That I am ſo far from the fear of ſtarving, tho' Exceedingly preſs'd and purſu'd by Men of a Party, that for the ſake of Publick Peace, I deſire nothing more than a Regulation of the Preſs; and for my own Caſe, I leave it to Providence;

vidence; I neither ask the Vindicator's Charity, nor Concerns.

The next Paragraph in the Vindication is a Quotation out of the *Review*, and needleſs to repeat, the Vindicator ſaying nothing, but that it is a Two-edg'd Scandal; and I alſo ſay nothing till he ſhall think fit farther to Explain himſelf.

We are now come to the Buſineſs of the *Moſelle*, and of *Overyſche* again; and here the Vindication is pleas'd to ſtate the Matter of Fact, as follows.------

'The next thing I am charg'd with, is, *a heightning the Miſcarri-*
'*ages of the War, rendring our Allies ſuſpected, and leading the*
'Dutch *and* Imperialiſts, *as if they had betray'd and abandoned*
'*us.*

'But the very ſtating Matter of Fact is enough to wipe off this
'Scandal. There were two great Attempts deſign'd (beſides
'the paſſing the *French* Lines) this laſt Campaign, worthy the
'Conduct of our General, *viz.* That on the *Mozelle*, and that
'at *Overiſch*, *had either of which ſucceeded, it had ſoon put an end*
'*to this chargeable War*; and that they did not ſucceed, is
'known to every body: I would then ask any Man, to whom
'are theſe two Diſappointments to be imputed? The Anſwer
'to this Queſtion, I doubt not, would clear me from all the
'Malicious Inſinuations of this Inſolent Scribbler. Is it poſ-
'ſible for any Man to imagine the D. of *M*--- would have
'march'd the Grand Army ſome hundred Miles, upon a De-
'ſign he knew he was not ſtrong enough to put in Execution,
'without the Aſſiſtance of Prince *Lewis* of *Baden*'s Army,
'which he muſt have depended upon? Can any Man think
'that Matter was not firſt concerted? And if ſo, whence was
'it, that when the D. of *M.* had covered that Prince from the
'*French*, he was not joyn'd by him as was expected? *By which*
'*Conjunction* Saar Louis, *which the* French *left uncover'd, had fall'n*
'*into our Hands, and a free and eaſy Paſſage open'd into* France;
'*and for want of which, a very promiſing Deſign was totally defeat-*
'*ed*: (And as the Reviewer confeſſes) *our Affairs had a bad Af-*
'*pect at the unhappy baulk at the* Mozelle.

'Again, in the Buſineſs of *Overiſch*, *did not the* Dutch *Deputies*
'*march near three Days in Company with the D. of* M. *and in all*
'*that time did they ever make any exception againſt his Deſign*: yet
'when it came to be put in Execution, when a fair opportunity of-
'fer'd, and Victory in a manner courted us, there not being half
'the Danger and Difficulty there as at *Blenheim*; Could any Argu-
'ments perſwade them to conſent to venture a Battel? Have not
'the

' the Letters of the *D.* of *M.* and *Monſieur A- - - k- - -que* been made
' *publick?* And was there not a Book call'd the D- - -h Politicks ex-
' amin'd, *&c.* - - - Printed before the Parliament met, that carries
' this matter much higher than ever I did, which I never yet heard
' was anſwered? And muſt I only not be allowed to ſpeak of ſuch
' things without lying under the Laſh of a Scandalous Pen, and look'd
' upon as an Enemy to the Confederates? But the moſt wonderful
' part of all this, is, that thoſe Perſons, who before were ſo full of
' thoſe Matters, that they could ſcarce forbear ſhewing their Reſent-
' ment of the uſage the D. of *M* met with, have ever ſince this was
' mentioned by me, made it their buſineſs to give it a quiet different
' turn. However, let this Snarler, or thoſe who imploy him, be as
' angry as they pleaſe; when I read the joint Addreſs of both Houſes
' of Parliament (which he might have been more Ingenious than to
' have mangled as he has done) and read how earneſtly they intreat
' Her Majeſty, ' By all proper means to excite the whole Confede-
' racy to make early and effectual preparations, and to exert their
' utmoſt Vigour in the proſecution of the War againſt *France*; I muſt
' be of opinion, that they had very good Grounds for what they did,
' which ſufficiently juſtifies me.

That the baulk of the *Moſelle* gave an unhappy Turn to our Affairs, I never denied, that the Dutch Deputies prevented a Fight at *Overyſche*. I allow, and had his Lordſhip ſaid no more in his Speech before, than is ſaid in this *State of the Fact*, I ſhould have ſaid very little to the thing, if I had taken notice of it at all.

But as to *Hightening Miſcarriages*, and *Rendring our Allies ſuſpected*, I do ſay ſtill, with all reſpect to his Lordſhips Speech, that Printed Paper I was upon, let it be what it will, is in my Opinion fairly chargeable with it.

1. That the *Germans* did not joyn, is true, but the Paper ſays expreſly, they might *very eaſily have joyn'd*, of which this Vindication does not ſay one word how. Now to affirm, they *could*, and *did not*, which is to ſay, they *would not*: I cannot but think fairly amounts to a rendring *them ſuſpected* and hightening the Miſcarriage: if I am miſtaken here, I'll readily ask pardon, but I cannot yet ſee it ſo much as poſſible to be a miſtake, nor do I ſee the leaſt attempt made, to prove that Prince *Lewis* of *Baden* was in a condition to joyn; however were he in never ſo good a condition, were it pique, diſſatisfaction, or any thing of that nature that hindred, yet the matter alledged here muſt be right, becauſe that part is not offered to be prov'd.

2. As

2. As to the Dutch --- I know great clamour has been raiſed on that Affair, and I believe his Grace the Duke of *Marlborough* had ſome Perſons there who he had reaſon to complain of, tho' I cannot ſee it lies at the Door of the Dutch Deputies at all, who march'd three days doubtleſs with a deſign to fight, but let us ſet things in a true light.

The Paper I mentioned, does not blame particular Men, but *the States* under a National Term, *the Dutch*, if you will then call private Miſcarriages the Actions of a Government; *why then*, the Engliſh Nation will come in for ſome Shares, upon account of ſome miſs-behaviour of private Perſons, in which our Allies have ſuffered as well as we; when our Engliſh Guards fled at *Landen*; when our Engliſh Fleet abandon'd the *Catalans*; when our Navy Royal left the Enterprize at *Cadiz*: Were all theſe Treacheries of the Nation, or of private Men omitting their Duty? and would it not be very hard that theſe private Mens Errors ſhould be charg'd upon the whole Nation? We have great reaſon to believe his Grace has received ſatisfaction in that point, and the Government alſo by the very good Correſpondence remaining.

And yet I cannot but add an Opinion here of my own, with relation to the Dutch whether it concerns this caſe or no.

We never find the Dutch ſparing of their Bones upon any reaſonable occaſion, if at a diſtance from home, nor are they ſhy of committing the command of their Troops to our Generals. Witneſs their 8000 Men under Prince *Lewis*, their Army on the *Danube*, under the Duke of *Marlborough*; their Army in *Catalonia* under my Lord *Peterborough*; Witneſs their Fleets always under our Admirals; But when the War is on their own Frontiers, and the Armies at their Doors, when on the leaſt Defeat or Diſappointment, the Enemy is in their Bowels in 24 Hours, and ſome of their capital Fortreſſes are expoſed, This alters the Caſe.

The Dutch are a numerous, a rich and a trading Nation, they have a great deal to loſe, and it lies in a little compaſs, and the leaſt miſcarriage expoſes them to infinite damage before they can look about them: A remarkable inſtance of which we had, when the Earl of *Athlone* received but a little ſlip or *go by* from the *French*, *who*, had he not made one of the moſt daring as well as Politick Retreats that has been known in theſe Ages, had over-run all the Dutch *Guelderland*, and *as it was* ſhow'd themſelves in two days at the Gates of *Nimeugen*.

Theſe are good reaſons why the Dutch are very wary, and indeed ought to be ſo, when the War is ſo near home; for this reaſon it has been the conſtant uſage of the States to have Deputies with their Ar-

mies; without whose Consent, even their own Generals are not to act; these they always had, 'tis the Law of their Country, and we do not see when it was ever dispensed with, but in a few of the latter Years of King *Wiliiam*, occasioned by their Confidence in the Consumate Experience, as well as affectionate Care for their Safety, in that Immortal Prince.

All these Things considered, the *Dutch* ought to run no Risques. War is uncertain; to say that Action would have ended the War, is more than a Man of Experience ought to conclude, *Multi Cadunt inter Calicem Supremaque Labra*; but in War the Uncertainties are Infinite; to say the Probabilities were greater than at *Blenheim*, is clenching it indeed; for I must tell this Author, I should think the *Dutch* reduc'd to sad Necessities, if they should hazard All as it was there. The Difficulties and Improbabilities of the Action at *Blenheim* were such, That had not the Duke of *Marlborough* seen an Absolute Necessity of Pushing the *French*, and a Noble Superiority in the Goodness of his Troops, and above all, led on by the Inspirations of Fate, he would not have Attack'd the *French* Army under all those Disadvantages of Post, and Inferiority of Number; and I question not, and have good Reason to say it; Had that Action Miscarry'd, the Improbabilities which now tend to the Immortal Honour of our Nation, and of that Gallant Prince, would have been improv'd to Defame him, Scandalize his Discretion, and perhaps, carry'd on, if possible, to his Destruction.

I could say much more to this, but 'tis enough; remote from Home, where, if defeated, they can have time to turn round, collect their Forces, and defend themselves: None are forwarder for Action than the *Dutch*; at their own Door they are wary, and Infinite Reasons justify them in it; they were always so, we confederated with them under such Circumstances, and ought to expect it; to say they held our Hands from Finishing the War, is as uncertain, as to say, That taking *Saar Louis* would open a Way into *France* is Un-Geographical: For which I refer the *Vindicator* to his Maps, where he will find, that the *Mareschall Villars* cover'd the Entrance into *France*, and left *Saar Louis*, to take its Fate; after which they must have Fought him in his Entrenchments, before they had attempted to push into *France*, or have passed the *Mozelle* in his Sight, or have gon up and Besieg'd *Metz*, and left him behind them; neither of which would have been to be done without Extreme Hazard; for they had the *Mozelle* and the *Maes* to have passed before they came to the Frontiers of *France*; and whenever they had push'd things to that heighth, the *French* had Detachments to make from *Flanders*, which they never saw Danger enough to do.

I know 'tis argued, that a Concert between the *French* and Prince *Lewis* ſeem'd probable, for that no Detachments were made from *Flanders* to the *Mozelle*, from whence ſome concluded the *French* knew that Prince would do them no harm.

But to me it ſeems as probable, that the *French* ſaw the *Germans* were not in a Condition of Joyning; or that the moſt they could attempt, if they joyn'd, was the Seige of *Saar Louis*; which being very ſtrong, and well provided, would make a Vigorous Defence, that Mounſieur *Villars* was ſtrong enough Encamp'd, not to fear an Attack, and that their Superiority of Force in *Flanders*, would certainly be ſo uſeful to them, as would be worth ſacrifizing *Saar Louis*, to Enjoy the Advantage.

And this Conjecture of mine, tho' weak, I make from two Obſervations; Firſt, That they immediately puſh'd at the *Dutch* Army, attack'd *Huy*; and had not the D. of *Marlborough*, with the Vigour and Expedition, like the reſt of his Great Actions, immediately Countermarch't, they would have form'd the Siege of *Maeſtricht*, as ſoon as the D. of *Marlborough*, had the *Germans* joyn'd him, could have form'd that of *Saar Louis*; ſo that the *French* eaſily ſaw they could fetch the Confederate Army back from the *Mozelle*, before the Confederate Army could fetch theirs from the *Maes*: Secondly, I conclude thus, becauſe we find Prince *Lewis* has not tainted his Honour ſince, but acted afterwards very vigorouſly and ſucceſsfully againſt the Enemy.

Thus all theſe wilful Miſtakes fall to the Ground, and all the Exclamations againſt them, I think, are juſtly charg'd with Deſigns, to *render our Confederates ſuſpected.*

My examining the next Matters will farther explain it, when we come to thoſe Trifles, the Vindication calls Ridiculous, and meer Cavils; which, tho' they are but ſmall Matters, will in their kind, illuſtrate great; ſuch as are the Expreſſions, of *coming into the Field*, *when we were going into Quarters*; thus *ended your Campaign*, and the like-------as in the following Paragraph.

'There is one thing more, which is ſo very ridiculous, 'tis ſcarce 'worth notice, *viz.* how this Learned Critick labours, and is 'put to it, *to bring the Buſineſs of* Barcelona *within the Conſtruction of what I ſaid.* 'Tis ſo common a Rule, that words are 'to be underſtood according to their ſubject Matter, there is 'ſcarce a School Boy who does not know it: And from the 'beginning to the end of that Speech, there is not the leaſt 'Intimation or Glance of any thing done in *Spain.* But 'tis 'all one to him whether that be ſo or not, he never conſiders 'the Gramatical Conſtruction of Words; but right or wrong,

' *the World is to be told, that I throw black Scandals upon, and con-*
' *tradict my Lord* P-----h, *the King of* Spain's *Letter, the Queen's*
' *Speech,* &c. *and prevaricate the Fact, that the Paper is a Libel, and*
' *deserves to be burnt by the Hangman.*

' Thus he has dreſt up a Man of Straw of his own, and then
' lays about him moſt unmercifully; he might as well have
' brought in the Czar of *Muſcovy*, and the King of *Sweden*'s
' Wars within the Compaſs of theſe Words, *Thus ended the*
' *Campaign*, as our Operations in *Catalonia*. I could not look
' towards *Barcelona*, and *forget* Portugal, *from whence I have*
' *ſeen a Letter, giving an Account, How* Monſieur Fegel, *at the*
' *Head of* 20000 *Men, very quietly let the Mareſchall de* Theſſe
' *with* 8000 *Men*, (*which he might eaſily have cut in pieces*) *march*
' *within Piſtol-ſhot of him, and relieve the Town of* Badajox, *and*
' *how kindly he was received at Home upon his return, is well known.*

' I ſhall ſay no more at preſent, but leave it to the Judgment of
' any indifferent and impartial Reader, how far by that Speech
' I have puſh'd on any ſpecious Sham to byaſs the Ignorant and
' Honeſt People in my Favour, or how far I have been treat-
' ed, as any Man might expect.

' In ſhort, tho' no Man rejoyces more in our Succeſſes every
' where than my ſelf, *yet I cannot but remember that it often hap-*
' *pens in War as in Races, where ſometimes thoſe that win a Heat, may*
' *loſe the Plate*, which I heartily wiſh may never be our Caſe.

This indeed is wholly upon the *Review*, but how partially 'tis ſpoken, I refer to the Judgment of indifferent Men, that *Words are to be underſtood according to the Subject*, I readily grant, and a Man of my Ld *H-----m*'s Perſpicuity cannot but ſee, that the remote Inſtances of *Catalonia* are brought in by the bye, to lead to the very Objection now made; and this therefore can never be his Lordſhips doing: For could any Man imagin, my Ld *H----ſham* could ſhow himſelf ſo unfair an Adverſary, as not to recite the whole Matter, but draw a Cenſure from part. To rectify this, and do my ſelf Juſtice, the Reader will find the weight of the Objection lies not upon the remote Inſtance, but upon the very individual ſubject Matter talking of, and was ſo obſerv'd in the *Review*; for which I refer to the Paper, *Review* N° 116. *P.* 462. *Col.* 1. ' Sup-
' poſe he means, *thus ended your Campaign* IN FLANDERS, *or your*
' *Campaign on* THAT SIDE. I wonder much this Author ſhould ſlip this Caſe, ſince the Words are printed in Capital Letters on purpoſe to be Remarkable.

Let the reſt of that Paragraph, which ſtands yet unanſwer'd, and indeed untouch'd, ſpeak for it ſelf, as follows.

How

This wou'd help a little, if we were not unhappily contradicted again by Matters of Fact, for ten days after this *ending the Campaign*, as he calls it, Major Gen. *Dedem*, with a ſtrong Detachment inveſted *Sont Lewe*, and the 5th of *September* it ſurrendred, the Army not daring to relieve it---*Well*, this might be *but a Miſtake* of ten days, *or ſo*; but that is anſwered by another unlucky piece of News, *viz.* That the Enemy took *Dieſt* from us the 25*th* of *October*, and both Armies in the Field all the While; this is odd ending a *Campaign*.

How any body will conform this to the Paper call'd *a Speech*, affirming the *Campaign was Ended*, I can no more imagine, than I can, how 'twill be made out our Allies came into the Field when we were going into Winter Quarters; when 'tis plain, that they ended their Campaign ſucceſsfully on the *Rhine*, and went into Quarters before us, the Army in *Flanders* being not ſeparated till a good way into *November*.

As to the Reflection on Monſieur *Fagell*, and the Siege of *Badajos*, which the States of *Holland* are reproach'd with not reſenting, I am loth to reply to without Enquiring into the Fact, which I have not time to do; but thus far I muſt ſay, all Nations have at all times had Miſcarriages, and they do not always think fit to reſent them; thoſe that are wilful and treacherous indeed merit Remark, but Errors of Judgment or Accident, are not always reſented to Extremity; and the French themſelves, who we find as regular in Rewards and Puniſhments, as any Nation, and generally as well ſerv'd, do not always blame Miſcarriages and Miſtakes------who ſhould elſe account for the *French* Admiral? when he had ſeen the Galloons ſafe at *Vigo*, that he ſhould lie ſo long there, and not ſecure the King's Ships at *Breſt*, nor be in a ſailing poſture, that his Scouts bringing him Intelligence, he might have put out to Sea, and eſcap'd? Who ſhall account for Monſieur *Pointy*, with 22 Men of War, ſuffering a Fleet of Tranſports to get by him into *Gibralter*, when he had ſight of them, the Weather-Gage, and 'twas their own Admiration he did not take them all? Who ſhall account for abandoning *Aſti*, a Poſt of ſuch Conſequence in *Piedmont*; inſtead of an inconſiderable Village, by which the Duke of *Savoy* has raiſed Contributions ſince in the *Millaneze*, to the Tune of two Millions of Livres? No doubt but on our ſide theſe would all have paſt for Treacheries and ill Managements; and yet we know nobody has been puniſh'd in *France* for theſe Miſtakes, or for many more I could name; and why might not the *Dutch* as well complain, how well our People were receiv'd here, after the Miſcarriage at *Cadiz*? as we, how the *Dutch* receive Monſieur *Fagell*.

The

The two next Paragraphs conclude the Vindication, and are as follows.

' And as *for those who set this Person to work; however they have made a* ' *Shift thinking to keep up their Reputation with some, which they have* ' *lost* with others; *yet they are so well known to both, as not to be* ' *long trusted by either*, and whenever it shall happen *they have no-* ' *thing but their own Merit and Interest to support them, I doubt not* ' *but they will find their own Reputation as low in the World as they* ' *Endeavour to make that of others*: And in the mean time ' *present fears unsteadiness and mistrust of every body*, make them not ' only very *uneasy to themselves*, but the very *Contempt and Pro-* ' *perty* of those they depend on.

' There are two other Points, which the Limits of this Paper ' will but just give me leave to mention, *viz. Liberty of Speech in* ' *Parliament*, and the *present State of Affairs in* Holland, *with re-* ' *lation to Trade, and the Expence of the present War*: As to the ' first of these, I should think my self *Felo-de-se*, should I go ' to dispute it: And for the second, it were very easy for me to ' show the Advantages the *Dutch* have over us at this time in ' the point of Commerce. And when ever a just account is ' given of what *Remittances*, *Bulloine and Money in Specie* have ' been sent to *Holland* since this War (*which I would be very glad* ' *to see*) that Matter I am confident, will appear as evident as ' that of the *Dutch* encreases. But it would be very well for ' *England*, if no just occasions were given to take further notice ' of this Matter.

To this I answer as to Liberty of Speech in Parliament; I have nothing to say to it, but what I said in the *Review*, which the Vindication is pleas'd to take no Notice of; *viz.* ' 'Tis hard the Queen ' alone should lose that Priviledge.

The other Paragraph is another severe Satyr upon my Employers, to which I answer as before; To my Misfortune *I am unemploy'd* in the Sense of the Vindication; but I crave leave to say a Word by way of Conclusion, to the Case upon those whom this Vindicaiion must be understood to mean, and that is, the present Ministry; and tho' I solemnly protest, not one Person directly, nor indirectly concern'd in, with, or for the Government, or Ministers of State, knows any thing of this, nor is it my Opinion they stand in need of any Vindication; yet in Common Justice, I must say, and if the *Vindicator* takes it ill, I shall be sorry. This Paragraph savours of Envy, is not so in Fact, and is perfectly abusive and scurrilous.

To say, ' They (the Ministers) are so well known by both, *that* ' *is, both Partys*; as not to be long trusted by either, is altogether ' assump-

'assumptive, and if general Opinion and the nature of things may determine, is entirely groundless.

To say they are uneasy, fearful. and distrustful of every body, How strangely positive is that Character, and how easy is it to be affirm'd without Arrogance; *Sir, you cannot know it to be so!*

That they are the Contempt and Property of those they depend upon, is meer calling Names, abusive and scurrilous; and I shall only take leave from, perhaps, as due a Conjecture, and I am sure a more impartial Observation, to conclude this Tract with a short account of the present State of the Nation, with respect to the Court and the publick Management.

The Queen I think needs no Mans Character, and I shall not presume to attempt it; In general, Her Majesty is God's Blessing upon the Nation, and all wise Men think so. Heaven has honour'd Her Majesty, with being the Agent of such a Peace as *England* never saw, and which I believe all the power of Hell and High Church, will not be able to disturb.

Her Majesty's Wisdom is seen particularly in the choice of Her Councillors and Servants Prudence and Moderation govern their Actions, they proceed sedately and calmly, they are Men of Honour, Vertue and Fortunes; they need no Advancement, and cannot be tax'd with that Avarice and Extortion, which have been the constant Crimes of Favourites, have generally overthrown them, and made them just Sacrifices to the Peoples Revenge.

They stand charg'd with no Crimes, no Mismanagments appear in Parliament against them, they are untainted in Reputation, unaccused by their Enemies, only snarl'd as by a Party, whose Wings of Ambition they prudently clipp'd, and in whose Places Her Majesty has thought fit to place them, as Persons, Her Royal Wisdom convinces Her, and the whole Nation agrees, are most likely to discharge the High Trust they are in, to Her Majesty's Satisfaction, the Honour of the Government, and the Safety of the Nation.

I could say a great deal more for the Justification of the present Ministry, but indeed I have not their Instructions, nor so much encouragement as to know it may not displease them. Their case really needs no Vindication, and tho' this Paper is published in his Lordships name, yet being fully perswaded his Lordship could not be so weak, I forbear to say more to it, as it stands *'tis a second Memorial*, and I doubt not will in its kind do the Nation a great deal of Service, *as that has done*, by letting them see for what trifles 'tis they are *Malecontents*, and on what slight Provocations they would make a Nation uneasy.

I am ſenſible of a new Deſign on foot, to run down the preſent Government, by Scurrility, Banter, and Reflection: So a modern Author reproaches the D. of *Marlborough*, with making the *Tour* of *Germany* for private Advantage: Let them go on, we hope that Prince will not be diſcourag'd by theſe little Things from the Service of his Country; and I hope the Event will ſhew, that the Journey of the Duke was ſo far from having that little Deſign in it, that it had been worth while for their Friend, the *French* King, to have given him three times that Value to have ſtaid at Home. I ſhould ſay more to it here, but I ſhall do my ſelf the Honour, to clear the Conduct of that Glorious General in a more particular manner.

I had publiſhed this Reply ſooner, but I waited to give a ſufficient time for my Lord, if this Paper was not his own, publickly to diſown it, which his Lordſhip having not done in all this time, I think 'tis an additional Ground to conclude 'tis not worth his notice.

I beſeech my Lord *H------m* to bear with this Return to a Paper publiſh'd in his Lordſhip's Name; I hope, I have no where tranſgreſt the Rules of Decency to his Lordſhip's Character, I preſerve a very great Reſpect for his Perſon, and no Man ſhould rejoice more to ſee his Lordſhip quit a Party, who on all Occaſions have malign'd and affronted him; who court him now for private and corrupt Deſigns, and who will at laſt abandon and expoſe him; and to ſee his Lordſhip return to eſpouſe the Cauſe of Truth and Peace, as he has formerly done; than

His Lordſhip's moſt Humble,

And Moſt Obedient Servant,

The *Author* of the *Review*.

FINIS.

THE Lord Haverſham's SPEECH IN THE House of PEERS,

On *Thurſday, November* 23. 1704.

My LORDS,

I AM very ſenſible to what Cenſure he expoſes himſelf, who addreſſes your Lordſhips in ſuch a Manner, at ſuch a Time; but this being the only proper place for me to mention what I have to offer of Complaint, I the more confidently hope your Lordſhips forgiveneſs.

I would be far from detracting or leſſening any Man's juſt Praiſe, and do really believe that the *wonderful Victory* obtained over the *French*, under the *Conduct* and Command of *Prince* EUGENE, and the Duke of MARLBOROUGH, if conſider'd in all its Circumſtances, eſpecially the unuſual Secrecy with which the Orders were executed, is the greateſt any Hiſtory can ſhew us.

And tho' our Succeſs at Sea was not equal to what it was at Land, yet the *Engliſh* Courage and Bravery ſhew'd it ſelf the

the ſame. I cannot, indeed, Congratulate Sir *George Rook*'s *entire Victory over the* French, but I can, and do moſt heartily, his *Safe Deliverance from them* and that with a Fleet *ſo unprovided*, and *ſo weaken'd* by five or ſix *Dutch* Ships being called home a little before the Engagement, ſeems to me a conſiderable piece of Service. To ſay more, would look like Flattery; and to ſay leſs, would be Unjuſt.

My LORDS,

The Navy of *England* is its Glory and its Guard; 'tis that which ſhould Protect our Trade, and Secure our Coaſts. Your Lordſhips were ſo ſenſible of this, that you recommended theſe two Heads to Her Majeſty, in two Addreſſes laſt Seſſions, *full of Reſpect, and yet very preſſing*; but we have been ſo far from receiving the Fruits we expected from your Lordſhips Care, that whoever will but take a view of what was done laſt Summer, will ſee our Coaſts left naked, and our Trade expoſed, St. *Paul* riding in the Channel, and our Merchants ſo far from being Protected, that even our Men of War themſelves are taken in our Soundings. And what ſharpens our Misfortunes, is to ſee our Enemies making uſe of our own Ships againſt us, and to be provided with their very Naval Stores from us, as the Count *de Tholouſe*'s Squadron was, if an *Eye witneſs thereof, now at the Door, may be believed.*

My LORDS,

Let our Victories be what they will aſhore, while *France* is thus Powerful at Sea, and more ſo daily, not only by his new Additions, but by **our too eaſie Conceſſions**, as were thoſe of St. *Chriſtophers*, *Newfoundland*, and *Hudſon's-Bay*; while our Trade is thus neglected, and your Lordſhips faithful and provident Advice baffled, by the **dark Counſels of No Body knows who**, *England*, in my Opinion, can never be Safe.

Another Thing that I ſhall take Notice of, is the *preſent State of the Coin*; and I dare venture to ſay, that if ſuch *vaſt Exportations* be much longer continued and allowed, we ſhall have very little left at home; *France may be beaten, but*

England

England *must be beggar'd*. I know we are not so sensible of this, because there is a **Paper Money now Currant**; but should there ever happen to be a stop there, I pray God preserve us from *sinking all at once.*

The last thing that I shall mention to your Lordships is with Relation to SCOTLAND: I think I need but lay before your Lordships the true matter of fact to convince you how much it deserves your Consideration. A little before the last sitting down of the Parliament there, it was thought necessary to make some alteration in that Ministry, and accordingly some were displaced to make room for others, taking some from each Party, who might influence the rest: Things being thus prepared, and a **motly Ministry** set up, the Parliament met about the 6th of *July* last; and tho' the Succession to the Crown in the Protestant Line was the **main thing** recommended with the greatest Earnestness by the Queen in her Letter to them, yet was it so *post pon'd and baffled*, that at length it came to nothing, partly because the Ministry was so weak and divided, that instead of doing every thing they could do nothing; and partly from a received Opinion that the Succession it self was never Sincerely and Cordially intended, *either by the Ministry there, or by those that managed the* Scotch *Affairs here.*

This is Evident; for at the very opening of the Session, My Lord Secretary himself distinguishes between **a Secret and revealed Will.** And not only that, but upon the 4th Sederunt (as they call it) a motion was made for a **Bill of Exclusion**; I take it formally to be so, tho' it bears the Title of an *Act of Security*, which was read the first time on the Seventh, and ordered to lye on the Table till they heard from *England*; and on the Tenth it past into a Law. *Now can any reasonable Man believe that those who promoted a Bill of Exclusion there, or those who here advised the passing of it, could ever be really and cordially for the* English *Succession.* I know there is an Exception in the Act it self, but 'tis such an one as might have full as well been left out; *for he that asks what he knows before will*

never

never be granted, asks the Denial: And yet this is not all, *but in this very Bill of Excl.,ion, as I call it, all the Heritors and Boroughs are not only Allowed, but Ordained (as the word is) to be Armed, and to Exercise their Fenceable Men once every Month.*

This being the Fact (and I think I have stated it very truly) surely, *My Lords*, it is what deserves your Consideration, and I shall make but one or two Observations to your Lordships. There are two Matters of all Troubles, *much Discontent, and great Poverty*, and who ever will now look into *Scotland* will find them both in that Kingdom. 'Tis certain *the Nobility and Gentry of* Scotland *are as Learned and as Brave as any Nation in* Europe *can boast of; and these are generally discontented:* And as to the common People, *they are very numerous and very stout, but very poor: And who is that Man who can Answer what such a Multitude, so Arm'd, so Disciplin'd, with such Leaders, may do, especially since Opportunities do so much alter Men from themselves? And there will never be wanting all the Promises and all the Assistance*, France *can give.*

Besides this, *My Lords*, I take it to be of the last Danger to *England, that there should be the least Shadow or Pretence of a Necessity to keep up Regular and Standing Troops in this Kingdom in time of Peace*, for I shall always be of the same Opinion, That what has been, may be.

In short, *My Lords*, I think every Man wishes these Things had not been; and in my Opinion, there is no Man but must say *they should not have been.* I shall end with an Advice of my Lord *Bacon's*, *Let Men*, says he, *beware how they neglect or suffer matter of Troubles to be prepared, for no Man can forbid the Spark that may set all on fire.*

If any thing I have said deserves it, your Lordships will take it into your Consideration; if not, I'm sure I ought to ask a thousand Pardons for so long Abuse of your Patience.

LONDON: Printed for *B. Bragg*, in *Ave-Mary-Lane.* 1704.

THE Lord Haverſham's SPEECH IN THE Houſe of PEERS, ON *Thurſday, November* 15. 1705.

My LORDS,

IT may perhaps be expected, ſince I moved you the State of the Nation, that I ſhould ſay ſomewhat to you upon this Occaſion: And tho' I never laboured under *more Difficulties* than I do at preſent, yet being Conſcious to my Self of a *Heart as full of Loyalty and Duty to Her Majeſty, and Zeal for Her Service, as is poſſible for any Subject to have*; and knowing that *the beſt Way of preſerving Liberty of Speech in Parliament, is to make uſe of it*, I will mention three or four General Heads to your Lordſhips, and ſpeak to them with a great deal of Freedom and Plainneſs.

The firſt Thing I ſhall ſpeak to, is the Preſent Confederate War, in which we are Engaged: And becauſe the beſt Way of Judging what we may reaſonably expect for the future, is to conſider the Actions that are paſs'd, give me Leave a little to take notice to your Lordſhips of the *Operations of the laſt Campagne*: I ſhall not ſay much of our *forcing the* French *Lines, and our beating the* French *Troops afterwards*, (tho' that was a very Great and Brave Action) but becauſe there was ſuch a *mixture of Victory and Misfortune*; and that this is ſuch a Chequer'd Piece, I purpoſely forbear taking further Notice of it.

But

But there were two other Actions, which I think take in your whole Campagne, The March of our Army to the Moselle, and the Business of Oberisch: In both which, give me leave to say, (not to give it a harder Term) *I think We were not used as We might have reasonably expected.* Our General, with a great deal of Conduct, *cover'd Prince* Lewis *of* Baden's *Army*; nor can it be doubted he might easily have joined Us if he had pleased, without the least danger from the *French*; which if he had done, by the best Account I could ever get, (and I think I have a very True one) We had been at least *Five and twenty Thousand stronger than the* French *there*; but being Disappointed of being joined by Prince *Lewis*, and of the Assistance we expected from him, that Great Design proved Abortive.

The next was the Business of Oberisch, where by the Conduct of my Lord Duke of *Marlborough*, we had a fair Opportunity of *putting an End to the War at once*; The Dutch held out Hand, and would not let Us give the Deciding Blow.

Thus ended your Campagne, tho' it began with more promising Hopes of Success than this next I believe will: You had then an Enemy to deal with *whose Counsels were distracted, whose Troops were broke, and the Courage of his Army sunk.*

From all this give me leave to conclude, That it is neither Men nor Money, Courage nor Conduct, that are the only things necessary to carry on a Successful Confederate War.

Those who Command your Army are Men of that Bravery, and every Common Soldier hath so much Courage, that no equal Number of Men in the World, I think, can stand before them; but *let our Supplies be never so full and speedy*, let our *Management be never so great and frugal*, yet if it be *our Misfortune to have Allies that are as slow and backward as We are zealous and forward, that hold our Hands, and suffer us not to take any Opportunity that offers, that are coming into the Field when we are going into Winter-Quarters*, I cannot see what it is we are reasonably to expect.

The next Thing I shall take the liberty to speak to, is the Point of **Trade**: Every one sees how our Merchants go off daily, and how low the Trade of this Nation at present is. I know, My Lords, there is a *Word we are very fond of*, which We call the **Balance of Power**, but the *Dutch*, who are a *very Wise People*, have a double View, and *take as much Care of the* **Balance of Trade**, as *they do of the Balance of Power*; and are as fearful of **our Power at Sea**, as of the *Power of* France *by Land.* My Lords, the best Knowledge of Things is by their Causes; *'tis Trade begets Wealth*, as *Wealth begets Power*; and it seems very hard

hard for *England*, that *while the* Dutch *live at Peace under the Protection of our Arms*, We, if we will have any part of Trade with them, *muſt have it under the Protection of their Paſſes:* But it will be yet much harder, if, after their having the Advantage of a **Trading War**, we ſhould make a **Tradeleſs Peace.**

I know, my Lords, *The* Dutch *generally complain they are very Poor; but give me leave to ſay, I cannot ſee how they have been* out of Pocket one Shilling *ſince this War*, for they have *more by* Remittances, *and Money from* England, *than all the Money that goes out of their Country to* Portugal, Savoy, *and the* German *Princes.*

There is one Thing more which I take to be of the greateſt Importance to us all, 'tis this I had chiefly in my Intention, and with which I ſhall conclude what I have to ſay.

But before I come to it, give me leave to take Notice of one Thing to your Lordſhips. My Lords, *'Tis the Happineſs of* England, *and that which ever did, and ever will keep the greateſt Miniſters in Awe, That by* the Law and Cuſtom of Parliament, *the meaneſt Member of either Houſe has an undoubted Right to Debate on any Subject, and to Speak his Thoughts with all Freedom, without being liable to be call'd in Queſtion by any Perſon* whatever, *till the Parliament it ſelf hath firſt taken Notice of them.* This is grounded on the greateſt Equity and Reaſon, becauſe *that which concerns all, ſhould be debated by all:* Nor is it poſſible for a Parliament to Debate, or come to a clear Reſolution on any Queſtion, or *to give any Advice to Her Majeſty, as they ought, without this Freedom.* I have good Authority to juſtify what I ſay; Sir * *Robert Atkins* tells us in his Treatiſe of the Power and Privilege of Parliaments, of the Caſe of one Sir *Thomas Haxey*, in the Time of King *Richard* II. who having deliver'd a Petition to the King, with which he was diſpleaſed, *the King ſent to the Speaker to know who it was that deliver'd that Petition*; by which (ſays Sir *Robert*) " it is apparent the King cannot take notice of any thing done in " Parliament, (he names the Houſe of Commons) but as it is repre- " ſented to him by the Houſe it ſelf. * Fol. 54.

Having ſaid this, give me leave to read to your Lordſhips a Paragraph of Her Majeſty's Speech to her laſt Parliament laſt Year: " My Lords and Gentlemen, We have, by the Bleſſing of God, a " fair Proſpect of this Great and Deſirable End, if We do not diſ- " appoint it by Our own unreaſonable Humour and Animoſity, the " *fatal Effects* of which We have ſo narrowly eſcaped in this " Seſſion, that it ought to be a ſufficient Warning againſt any dan- " gerous Experiments for the future.

I ſhall not go about to ſhew the Grammatical Conſtruction of theſe

these Words, but chuse rather to say, That as we Enjoy many Blessings under Her Majesty's happy Government, so I hope we shall have this too, *That Her Majesty will never give Ear to any secret and private Information, but as it comes to Her in a Parliamentary Way by the Houses themselves.*

The last Thing, my Lords, is that which I take to be of the greatest Concernment to us all, both Queen and People: I love always to speak very plain, and shall do so in this Point.

My Lords, *I think there can be nothing more for the Safety of the Queen, for the Preservation of our Constitution, for the Security of the Church, and for the Advantage of Us all, than if the* **Presumptive Heir to the Crown,** *according to the Act of Settlement in the Protestant Line,* should be here amongst us; 'tis very plain that nothing can be more for the *Security of any Throne*, than to have a *Number of Successors* round about it, whose *Interest is always* **to Defend the Possessor from any Danger,** *and prevent any Attempt against him, and revenge any Injury done him.* Is there any Man, my Lords, who doubts that if *the Duke of* Gloucester *had been now alive, Her Majesty had not been more Secure than she is?* We cannot think of that Misfortune without the greatest Grief, but yet we are **not to Neglect our own Safety;** and tho' a Successor be not the Child of the Prince, yet is he *the Child of the Queen and the People.*

Besides, my Lords, the **Heats and Differences** which are among us, make it very necessary that we should have the *Presumptive Heir residing here: The Duty and Respect we pay Her Majesty, and the Authority of the Law, can hardly keep us in Peace and Union amongst our Selves at present*; what then may we not fear, when these **Bonds** shall ever happen **to be broken?**

And would it not be a great Advantage to the **Church**, for the *Presumptive Heir* to be Personally acquainted with *the Reverend the* **Prelates?** Nay, would it not be an Advantage to all *England*, that when ever the Successor comes over, he should not bring a *Flood of Foreigners along with him, to eat up and devour the good of the Land?*

I will say no more to your Lordships, but conclude with this *Motion.*

That an Humble Address be Presented to Her Majesty by this House, That Her Majesty will be graciously pleased to Invite the Presumptive Heir to the Crown of England, *according to the Acts of Parliament made for Settling the Succession of the Crown in the Protestant Line, into this Kingdom, to reside here.*

LONDON: Printed, and sold by B. Bragg, at the *Blue Ball* in *Ave-Mary-Lane.*

AN

ANSWER

TO THE

L--d H---fham's SPEECH.

Reprinted from the By *Daniel D' Foe.* *Review of Nov. 24. 1705.*

HAD the Subject of this Paper, been able to ſtay but one Week more, it had not been a Digreſſion; the determin'd Courſe of the *Reviews*, being then to Review to the Subject of Trade, and the general State of things; and as the daily Flux of Subject for this Paper is ſuch, that I diſpair to return yet a great while to my Original Deſign, as to *France*; I ſhall turn this Paper for the Preſent to be a *Review* of the State of the Nation; and I do not oblige my ſelf that the next Volume may not bear that Title.

I find a Paper Cry'd about Town, with an Unuſual Earneſtneſs; Entituled, the Lord *H——ſham*'s Speech, in the Houſe of Peers—— I think my ſelf oblig'd, before I enter upon the Particulars, to make a ſhort Introduction, relating to my manner of Treating the Caſe I am upon, which is expected to be an Anſwer to that Paper.

I am going to Anſwer my Lord *H——ſham*'s Speech; but if I may ſay any thing to certain Points, hinted at in the Paper, call'd by that Title; they are welcome to call mine an *Anſwer*, or what elſe they pleaſe.

That the Lord *H——ſham*, made a Speech in the Houſe of Lords, is no part of my Enquiry, nor ſhall I meddle with what was Tranſacted there, I know the Duty of an Author, with Reſpect to what is done or ſaid in that Aſſembly.

The Paper Publiſh'd, I think, ſhows it ſelf in a double Capacity, *as a Speech, and as a Pamphlet*; as a Speech I have nothing to ſay to it, but as a Pamphlet with no Author's Name to it, it may be any bodies,

and may be Answer'd by any body; 'tis an Appeal to the People, a Challenge to every Reader; and I am at liberty, as well as another, to Remark upon it.

As a Pamphlet, I say, I may be concern'd with it, and no otherwise; the Anonymous Author is nothing to me, be it a Lord or a Tinker; there is no Name to it, to Vouch the Particulars; and I believe indeed, no Man would ever set his Name to it, that valu'd the Reputation of his Character; either for Truth, Understanding, or Good Manners.

Let the Speech be what it will, and whose it will, I must confess, the Publication of it seems to me, to have something in it, that I cannot allow, to be the Noble Lords doing; whatever has an Air in its Countenance, Calculated or screw'd up to a pitch of Malecontent and Chagrin, as if it was done on purpose to sower the Nation, cannot be Publish'd with a good design; let the Saying, or Speaking this any where, be done with what design it will, the Printing of it, can, in my Poor Opinion have no Meaning, but what is Mischievous and Unpeaceable.

Having thus stated the Case, between the *Review* and the *Pamphlet* I speak of, I shall lead my Reader no farther about.

I shall endeavour to speak as plain, as the Deference and Regard due to Dignity and Quality of Persons will permit; I wish the Noble Lord, who they say made this Speech, would give me leave to Answer, Paragraph by Paragraph every Article, without taking the Advantages, Laws and Power furnishes him with, upon any reasonable Penalty, if I did not give, what even the whole House of Lords should determine a full Answer.

But Limited by that Article of Quality, I shall refrain an Answer, as an Answer to this Speech, and only handle the Subject, without pointing at the Person.

The first Paragraph, in the Paper above, which is all I shall recite, makes the Author Address in the First Person *My Lords*, as Introductory to something he has to say, Relating to the State of the Nation; and Nothing, that *the best way of Preserving the Liberty of Speech, is to make use of it*; tells them, he will speak to three or four Generals very plainly; if he had said Courtly, he *had said*——

Four Heads are treated of in this Paper; and I also purpose to treat of the same four Heads among many other; if my Lord *H——sham*'s Opinion and mine differ, I hope neither this Paper nor its Author, are bound to Sacrifice his Judgment to his Manners; I shall treat the Name the Speech is call'd by, in no Terms beneath his Quality, and have nothing to ask his Lordship's Pardon for, but for discoursing of the same Points, with himself; which I hope his Lordship will allow me the Liberty to do; the Particulars are,

1. The Confederate War.
2. The Trade of *England*.

3. The

3. The Right of Princes, to take Notice of things done in Parliament, but not brought to their Knowledge, in a Parliamentary manner.

4. The bringing over the Presumptive Heir of the Crown to reside here.

I begin with the last of these, and I shall no more take Notice, that these have been the Subject of any Speech; nor do I know they have been; I know this Article has been started in Print before now, by an Author, whose Principle is as well known as his Paper; and as his Proposal I shall speak to it, and of him I must say, as an Old Man said to his Poor Nephew, who waited for his Death to come to his Estate; The *young Fellow*, Advis'd him to Remove to a certain Place in the Country for his Health, which, as he said, was a better Air; *I believe 'tis a better Air*, says the Old Man, *but I do not fancie the Place: Why so, Sir*, says the Nephew---- *Because you Propose it*, says he; *for what can you get by my Living?*

Now, Mr. *Politicus*, as this Author would be call'd, we could be glad to see the Heir of the Crown among us, but we cannot fancy the Proposal, because you make it; for what can your Party get by it? What Advantage can it be to your Party, to bring those over, that we know you hate? And how can you think but we must suspect your Integrity? An Old Lyon, that by his Age and Infirmities was grown heavy, and could hardly get his Living as he used to do; his Joynts stiff with the Excesses of his Youth, his Claws broke, and his Teeth rotten, just as it fares with Mr. *Mercurius Politicus*'s Party. To supply the Defects of his Power, with the Helps of his Cunning, feigns himself very sick; and being near the point of Death, invites all his Subjects of the Horn and the Hoof, to come and visit him; pretends he had great need of their Assistance; and withal, that it was very convenient to have them near him; and that he had several things to tell them for the publick Safety. Away comes the Inhabitants of the adjacent Woods, out of their Holes and secure places, where they were far enough out of his Reach, to Visit this Old Devourer. When he had thus got them into his Power, he watches his Opportunity, flies upon them, and Devours them all.

These old Stories, and Fifty more such I could tell them, might give us very good Caution when these Foxes preach to beware of the Geese; but of that by the way. The Proposal of bringing over the Princess of *Hannover*, is specious, and seems to lay a Difficulty in the way of a great many honest subjects, as if not complying with it, should be taken for a Disrespect to that Illustrious House, which will best appear, when a little farther Examin'd into; for all things are not to be judged of by their Outsides.

No Man more sincerely joins in the Setlement of the Succession, and rejoyces in the Safety of *England* on that head, than the Author of this Paper; and when we talk of Inviting the Princes of the Line Royal hither, all that desire their Peaceable Enjoyment of the Crown would without doubt, bid them welcome, and be glad to see them round the Throne, as some call it.

But when we talk of the Respect due to the Illustrious Branches of our Succession, 'tis one thing; and when we talk of the Security and Safety of *England*, 'tis another; and in this Case, with all manner of Duty and Respect to the Successors of the *English* Crown, I freely say, *We are as secure without them as with them.* To say it would be a fine

Court

Court, or a pleasant thing; if all the House of *Hannover* was here, a great deal of Gallantry and some Trade might be the Consequence; this has something in it, and not much: But when we talk of Safety and Danger, 'tis not the Distance of our Princes can influence the Matter; an *English* Parliament is the Security of *England*, against all the intervening Accidents, and how easy is all that Pretence fallen to the Ground now, in one Vote of the House of Lords?

Publick Safety is a fine gilded Pretence, and Sounds very popular; but it is not always meant most, where it is most talk'd of; and Security of the Queen, from the Heirs being at her Elbow; I cannot foresee the Security of the Queen consists in the hearts of her People, which I believe no Prince for some Ages has more intirely possess'd; and I cannot say the Queen had been more secure in the Life of the Duke of *Glocester*; it had been a Joy and Comfort both to the Queen and the whole Nation, if it had pleased God to have spared that Prince, whose Loss is a Grief to all that reflect on it, and who have any value for their Sovereign.

But still as to Safety, as to the Publick Security, it consists not in Persons, but in things; if God for our sins should take away every Branch of that Illustrious Stock, from whence we hope for such a Succession of Princes; I am of Opinion, and think 'tis plain, the Foundation of the *English* Crown and Government stands too fast to be shaken: 'Tis built upon this Fundemental Maxim of State, recorded in Parliament, and which all the Nation concurs in, *That we will not have* a Popish Prince *to Reign over us.*

The Parliament of *England* is our Security for the making this good; and it can neither add nor diminish to this Security, how or to what extent it may please God to lengthen the Lives of the Successors to the Crown.

Nor does it seem to me a matter of any great Moment, the acquainting the Heir with the *English* Prelates; in our Case the present Presumtive Heir being very unlikely to succeed; her Majesty, God be praised, is in good Health, and much more likely to reign 30 or 40 years; God forbid I should stint her Majesty, than a Princess of above 70 is to succeed; and in this Case I would fain ask Mr. *Politicus*, Who would you have brought over? if you examine the Heirs to the *English* Crown, 'tis three to one against all the three alternately wich shall enjoy it; I mean as to respect of Age and natural Probabilities: 'Tis 20 to one against the old Lady, the immediate Presumtive Heir; to what purpose then would they bring that Princess over in her old Age, but to shorten her Days by changing the Air and her manner of Living? 'Tis then at least an even Wager against the Elector Regent, and I know no body so weak to talk of his Highness coming over, to quit his Soverign Dominion, and the Administration of his Affairs, to come hither to live in the Quality of an *English* Nobleman, and wait for the Queen Shoes who is, God be thank'd, likely to live as long as himself.

Then there is that young Elector Prince, and of him it is perhaps odds six to four, that some time or other he may enjoy it; but 'tis at least three to two that he does not enjoy it next to the Queen; and on what pretence can it be moved to send for this Prince over? if he were here when the Queen should happen to die, he could be no Security, he could not act but by Commission from his Father or Grandmother, unless by Name established in Parliament, as Lord Justice, or Commissioner, or some other Title; and that's done already in naming seven or eight Lord Justices to act in such a case: so that any of these ways this Proposal signifies just nothing, but to fill us with Suspicions, that some Snake lies hid in the Grass; of which hereafter.

LONDON: Printed in the Year, 1705.

10.

The Lord *Haversham*'s Vindication of his SPEECH in PARLIAMENT, *November* 15. 1705.

THE Insults and Scandalous Reflections that have been made upon me in several late *Reviews*, tho' they are beyond all president, yet should have been without any Notice, *had the Author of those Papers been the only Person concerned in them:* but being convinced upon Enquiry from whence he has both his *Encouragement and Instructions*, and being unwilling to be thought guilty by default, or that Silence on my part should go for Confession, or Railing on his part go for Reason, I choose rather to appeal from the malicious Insinuations and false Suggestions of those Papers, to the Candid and Impartial Judgment of every unbiass'd Reader, *than take those Advantages which his Rashness and Impudence, perhaps, have given me.*

I would not have it thought I am entering the Lists with such a mean and mercenary prostitute as the *Author of the Review:* I know better the Regard due to the Peerage of England (*tho' some have forgot it*) than to lessen either that or my self to such a Degree. But when a person, my Equal (excepting a few accidental ornaments and advantages which I do not pretend to) *who never yet would give me any Answer Elsewhere, tho', more than once provoked to it,* has betaken himself to such unusual and unbecoming Methods; 'tis but Justice to my self to let him see, that as I court no Man's favour, so I do not fear any Man's power so much as to desert my own just Defence in a Compliment.

A I be-

I begin with the *Reflections made upon my person*; and here it looks very unaccountable, how one that has pretended to *so great Moderation*, as the Author of the *Review*, should be carried so much above his *avow'd Principle in a Matter he is so very little concerned in.* It must certainly be the force of some irresistible Temptation, or the occult Quality and malign Influence of some Ruling Star, that warmed and transported this *State-Mountebank*, when he wrote those Papers, to such a degree above his pretended Moderation-Temper, as to characterize a person he had not the least knowledge of, with as black marks of Infamy as he could invent, or durst venture upon: *as if for speaking my mind with the Duty of a Subject and the freedom of an* English-*man*, I became every thing that was not *Scandalum Magnatum.*

What a Monster has one Speech made me! he says 'tis 'calculated & screw'd up to a pitch of Malcontent & Chagrin; 'as if done on purpose to sour the Nation, and printed with an 'unpeaceable and mischievous meaning; to be design'd to keep 'alive a Malecontent Party; by a Mouth bent to Noise and 'Reflection; by a person malign to the Settlement, in hopes 'to raise grounds of Clamour; and as one who has a great 'many ill Ends; that it was spoke with freedom that consists 'not *any where* with Duty, Allegiance, Truth, Sense or Re-'spect; with Expectation to force a fortune by railing at his 'Betters, reviling the Ruler of the People, and accusing the 'Innocent, to please and court a Party; spoken like *Solomon*'s 'Fool, with his Eyes in the Ends of the Earth; proposing 'what is ridiculous and incongruous; calculated to revive the 'heats and dying Quarrels in the Nation, and encourage the 'follies that Madmen make use of to ruin the Country in such 'Cases; by a person, whose fancied Reputation to them that 'did not know he had——it, might serve to push on the Speci-'ous Sham to an Extremity, and to byas honest ignorant peo-'ple in his favour, *&c.*

What a number of unaccountables (as he calls them) are here! whence could he furnish himself with such an Expence of Scandal, or rake together such a Load of Infamy? *But no men charge so furiously as those that are in* Compact, *and think themselves shot-free by having their* Charm and Protection about them. Being then thus unjustly attacked, not so much by *this Hackney Tool*, whom I despise, as by a ——— in masquerade, I am compelled to say those things for my self, which without such provocation, would look vain and boasting.

This

This *Scandalous Author* (or who ever bid him say so) when he tells the World that I have —— my Reputation, would have done well to have prov'd it by Instance. I have had the honour to have *been Employ'd in some publick Stations, and entrusted by some of the Chief of his Party, at a time when they thought themselves in no small danger, and when there was not so good an understanding between us*: I appeal to the Head of them, *whether, at his earnest Desire, I did not act the Gentleman-part and serve him faithfully*: And tho' afterwards I had the misfortune to fall under the *Displeasure of a House of Commons, 'tis as well known as they are, it was for interposing between them and Danger, for too vigorously espousing their Cause*: And could never have imagined the same way of proceeding in falling upon some and leaving others who were equally concerned in the same facts (which I always did and ever shall think very partial) should be lookt upon as unjust when it was some men's own Case, and quite otherwise when it was the Case of the *E—— of N——m in the business of the Sc——h P——t*. It was my differing from some men in this affair that I believe was my *original Sin*; which is *never to be forgiven, because it never will be repented of*. But what, tho' I am so unfortunate as to differ in some things from those, who, in my opinion, sometimes *differ from themselves*; I might, notwithstanding, both in Justice and Gratitude, have expected better usage, than to be marked and singled out like a blown Deer, to be run down the shortest way by such a foul-mouth'd Mungrel? If I have not deserved such a Return, (as by their own acknowledgements I can shew I have not) *those that serve them better hereafter, may expect, if possible, to be used worse*.

Sir Jam: Finch Ld Nottingham. Scotch Parlia

The Maxim is as known as ancient, *'Tis the Office shews the Man*: Let any Instance then of any one single act of *Partiality, Oppression, Corruption* or *Injustice, during my being in any publick station, be charged upon me*: I appeal to the *Sea-Officers* and every *common Seamen* that knew me, whilst I was in the *Admiralty*. I made no after-advantage by serving any Body in the Commission of Accounts; nor was I trusted with any Secrets, tho' I could not sit there without making Remarks as well as others: nor did I ever contribe any Clauses for the advantage of the Publick Service whilst out of the Ministry, which I forgot when I once got in.

Lord of Admiral

Had I ever been suspected for *holding Intelligence with* St. Germains *or the* French *King*; had my Name been ever used in any French or Scotch Plots, or mention'd in the Confession of any dying man; had I, being an *English* man, advised the Queen to *pass the Act of Security in* Scotland, or the *Removing or laying aside any*

Lord Godo

of the Great Scotch Lords whilst *they were* promoting and endeavouring to bring the Succession to bear *the two last* Sessions of the *Scotch* Parliament; or had I before that, upon the presumptive Confidence of my own better Judgment, without Communicating the matter to any other person, simply advised the passing the act of Peace and War in Scotland, and endeavour'd *to shelter my self from that Imputation, by perswading the World that others, who knew nothing of it, were as much concerned in that advise as my self*: These might have been some tolerable grounds to have justified the Pamphleteer's Reflections. *But to speak inconsistently with Duty, Allegiance, Truth, Sense or Respect, before such a Presence, and not be in the Tower*; and if I did not, that the Pamphleteer should not be some where else, *may seem as strange to as the Railing at my Betters and reviling my Ruler would be to force a Fortune, by courting a Party, who at present are so far from having it in their power to oblige any Body by their Interest, that 'tis look'd upon by some as a Crime to have the honour of so much as the least Acquaintance with them.* But this Author who *writes for Bread*, and lives by Defamation, thinks those, I perceive, who are known to be under no Inducement of Necessity, govern themselves by *his base and mercenary Principles.*

'Tis very wonderful, after all, that a Proposal for inviting over the presumptive Heir to the Crown should expose a Man to all this virulent fury: That a person only for mentioning it should be called by the names of Mr. *Politicus*, *Speaking Trumpet*, *Grating Saw*, &c. Whoever have read Great Britain's Union, and the Security of the Hannover Succession Considered, will find that matter was thought on many Months before the Paper called *Mercurius Politicus* ever appear'd. And tho' the Reviewer is very free in calling this a ridiculous Proposal, incongruous and inconsistent with the General Good; yet, perhaps, this very Person would not have been so very confident, had he seen (as I have) the Extract of the Princess Sophia's Answer, dated *November* 3. 1705. to the Archbishop of *Canterbury*'s Letter; in which are these words, *viz. I am* ready and willing to comply with whatever can be desired of me by my Friends, in case that the Parliament think that it is for the good of the Kingdom to invite me into England. Some men reading this, I doubt not, will think again. If we only considered *what that Proposal has produced*, it might deserve (one would think) better Language: We have had several Acts of Parliament relating to the Security of the Succession *look'd into since*, and their Defects cured; by which it appears that the Succession was not so safe as was generally imagined: *A Bill for Naturalizing the Princess* Sophia *and her Issue*, and another

another to *Establish a Regency (in case of the Queen's Demise)* sent down to the House of Commons, which those that framed and consented to, thought no doubt, a Security to the Succession: And yet there was not the least appearance of the *Succession's being so much as thought of in Parliament, when this Proposal was made:* So that not to Enter into the Consideration, how far these Expedients will be a Security, if they prove, as they are thought great ones; *he that gave the occasion and rise to them,* sure, only for that, cannot deserve to be thus treated.

But I fear there are other Reasons that have raised some person's Spleen: Some perhaps are angry to have heard it said where it was, *That there was so great a Favourite as the Duke of* Buckingham *in King* James *I. his time, who (as the* Spanish *Ambassadour told his Majesty)* had besieged him, had Enclosed him *with his own Vassals and Servants, and would suffer no one else to have his Majesty's Ear, or so much as come near his Presence, and yet that* great man never had half that power and favour, that we see some persons now possessed of.

They care not to hear of Taxes laid upon all Court-Preferments, or of persons being *so fat with Favour and great Offices, as make them insensible of the pressing necessity a great part of the Nation labours under.*

Others do not like it should be said that *whenever there is a Dispute between a Parliament and a Minister, either the Minister will be too hard for the Parliament;* and there's an End of *your* Constitution: *or the Parliament will be too hard for your Minister,* and there's an End of *your* Minister.

But for the Author of the Review, *'tis impossible he should Ever be hearty for Inviting the Princess of* Hannover *hither; Even upon the very foot he puts it: for if the presumptive Heir ought not to be invited hither (as he says)* till the Press is restrained by Law, *that virulent Lampoons, Memorials, and the like, may not swarm every day in the Streets;* one in his Circumstances would soon be reduced to a starving Condition.

I should have said no more on this last Head; having formerly more than once given the world an Account, not only of the *Security to the Constitution, but of the Advantages the Nation would have by the presumptive Heir to the Crown residing here:* were it not for some very *extravagant and dangerous* Expressions of this Pamphleteer; (*which one would wonder should not have been taken notice of before now in another manner)* he says, *he cannot foresee the security of the Queen from the Heirs being at her Elbow:* And for fear these dark terms should not be truly understood, but lye hid (as he

he calls it like the Poyſon of *Aſps* under the Tongue; in another place (*Rev. Numb.* 115. *Page* 460.) he ſpits the Venom out, and tells the World plainly, ——" Such is the " Corruption of Mankind, and the general depravation has " ſpread to ſuch a heighth; Nature has receiv'd ſuch a Uni- " verſal taint, that Jealouſies have ſpread into the neareſt " Relations; Fathers have been jealous of their own Chil- " dren; and we have ſome inſtances even of Men murthering " their own Fleſh and Blood on theſe accounts, beſides what " we find among the *Turks*. —— And if I ſhould inſtance " very near home, I have ſuch authority on my ſide as few " People queſtion.

This is ſuch a groundleſs far-fetch'd Scandal, and publiſhed at ſuch a Conjuncture, that no Man, I think, can read without abhorrence.

The next thing I am charg'd with, is, *a heightning the Miſcarriages of the War, rendring our Allies ſuſpected, and loading the* Dutch *and* Imperialiſts, *as if they had betray'd and abandon'd us.*

But the very ſtating Matter of Fact is enough to wipe off this Scandal. There were two great Attempts deſign'd (beſides the paſſing the *French* Lines) this laſt Campaign worthy the Conduct of our General, *viz.* That on the *Mozelle*, and that at *Overiſch*; *had either of which ſucceeded, it had ſoon put an end to this chargeable War*; and that they did not ſucceed is known to every body: I would then ask any Man, To whom are theſe two Diſappointments to be imputed? The Anſwer to this Queſtion, I doubt not, would clear me from all the Malicious Inſinuations of this Inſolent Scribbler. Is it poſſible for any Man to imagin the D. of *M.* would have march'd the Grand Army ſome hundred Miles, upon a Deſign he knew he was nor ſtrong enough to put in execution, without the Aſſiſtance of Prince *Lewis* of *Baden*'s Army, which he muſt have depended upon? Can any Man think that Matter was not firſt concerted? And if ſo, whence was it, that when the D. of *M.* had covered that Prince from the *French*, he was not join'd by him as was expected? *By which Conjunction* Saar Louis, *which the* French *left uncover'd, had fall'n into our hands, and a free and eaſy paſſage open'd into* France; *and for want of which, a very promiſing Deſign was totally defeated:* (And as the Reviewer confeſſes) *our Affairs had a bad Aſpect at the unhappy baulk at the* Mozelle.

ill Duke of rough.

Again

Again, in the Business of *Overisch*, *did not the* Dutch *Deputies march near three days in company with the D. of* M. *and in all that time did they ever make any exception against the Design: Yet, when it came to be put in execution, when a fair opportunity offer'd, and Victory in a manner courted us, there not being half the Danger and Difficulty there, as at* Blenheim; *Could any Arguments perswade them to consent to venture a Battel? Have not the Letters of the D.* of M. and Monsieur A——k——que been made publick? And was there not a Book call'd the D——h Politicks Examin'd, *&c.* ——— Printed before the Parliament met, *that carries this Matter much higher than ever I did*, which I never yet heard was answer'd? And must I only not be allow'd to speak of such things without lying under the *Lash of a Scandalous Pen, and look'd upon as an Enemy to the Confederates?* But the most wonderful part of all this, is, that those persons, who *before were so full of those Matters, that they could scarce forbear shewing their Resentment of the usage the D. of* M. *met with, have ever since this was mention'd by me, made it their business to give it a quite different turn.* However, let this *Snarler, or those who employ him*, be as angry as they please; when I read the joint Address of both Houses of *Parliament* (which he might have been more Ingenious than to have mangl'd as he has done) and read how earnestly they intreat Her Majesty, *By all proper means to excite the whole Confederacy to make early and effectual preparations, and to exert their utmost Vigour in the prosecution of the War against* France; *I must be of opinion, that they had very good grounds for what they did, which sufficiently justifies me.*

There is one thing more, which is so very ridiculous, 'tis scarce worth notice, *viz.* how this Learned Critick labours, and is put to it, *to bring the Business of* Barcelona *within the construction of what* I said. 'Tis so common a Rule, that words are to be understood according to their subject Matter, there is scarce a School Boy who does not know it: And from the beginning to the end of that Speech, there is not the least Intimation or Glance of any thing done in *Spain*. But 'tis all one to him whether that be so or not, he never considers the Gramatical Construction of words; but, right or wrong, *the World is to be told, that I throw black scandals upon and contradict my Lord* P——*h, the King of* Spain's *Letter, the Queen's Speech,* &c. *and prevaricate the Fact, that the Paper is a Libel, and deserves to be burnt by the Hangman.*

Thus he has dress't up a Man of Straw of his own, and then lays about him most unmercifully; he might as well have brought in the Czar of *Muscovy*, and the King of *Sweden*'s

Wars.

Wars within the Compass of these words, Thus ended the Campaign, as our Operations in *Catalonia*. I could not look towards *Barcelona* and *forget* Portugal, *from whence I have seen a Letter giving an account* how Monsieur Fagel, at the head of 20000 Men very quietly let the Marechal de Tesse, with 8000 men, (which he might have easily cut in pieces) march within Pistol shot of him, and relieve the Town of Badajos, and how kindly he was received at home upon his return is well known.

I shall say no more at present, but leave it to the judgment of any indifferent and impartial Reader how far by that Speech I have push'd on any specious Sham to byas the Ignorant and Honest People in my Favour, or how far I have been treated, as any Man might expect.

In short, tho' no Man rejoyces more in our Successes every where than my self, *yet I cannot but remember that it often happens in War as in Races, where* sometimes those that win a Heat may lose the Plate, which I heartily wish may never be our Case.

And as for those who set this Person at Mark, *however they have made a Shift thinking to keep up their Reputation with some, which they have lost* with others; yet they are so well known by both as not to be long trusted by either, and whenever it shall happen *they have nothing but their own merit and Interest to support them, I doubt not but they will find their own Reputation as low in the World as they Endeavour to make that of others*: And in the mean time their present fears unsteadiness and mistrust of every body, make them not only very uneasy to themselves, but the very Contempt and Property of those they depend on.

There are two other points, which the Limits of this Paper will but just give me leave to mention, *viz.* Liberty of Speech in Parliament, and the present State of Affairs in Holland with relation to Trade, and the Expence of the present War: As to the first of these, I should think my self *Felo-de-se*, should I go to dispute it: And for the second, it were very easy for me to shew the advantages the *Dutch* have over us at this time in the point of Commerce. And When ever a just account is given of what remittances, Bullione and Money in Specie have been sent to *Holland* since this War (*which I would be very glad to see*) that Matter, I am confident, will appear as evident as that the Species of our Coin lessens daily, whilst that of the *Dutch* encreases. But it would be very well for *England* if no just occasions were given to take further notice of this Matter.

London, Printed by *Dr. Leach*, for *W. H.* and sold by *B. BRAGG*, in *Ave-Mary-Lane*, 1705.

A Modest

VINDICATION

OF THE

Present Ministry:

From the **Reflections** publish'd against them in a late Printed Paper, Entitled,

The Lord HAVERSHAM's *Speech*, &c.

With a Review and Ballance of the

Present WAR.

EVINCING,

That We are not in such a Desperate Condition as that Paper Insinuates.

Humbly submitted to the Consideration of all, but especially to the Right Houourable and the Honourable, the **North-British** Lords and Commoners.

By a Well-wisher to the Peace of **Britain.**

LONDON:
Printed in the Year MDCCVII.

PREFACES *are now become so common, that the most Inconsiderable Publications are seldom introdu'd into the World without one. If time cou'd have allow'd it, the Subject of the following leaves might easily have been disgested into a better Method. Such as it is, 'tis humbly submitted to the Censure of all impartial Men.*

I foresee one Objection that may possibly be made to this Discourse: 'Tis like the Enemies of the Ministry *may impute it to some Emissary of theirs. To which I shall only Answer, That the thing is owing meerly to my own Inclination, and the due sense I have of the great Obligations we are under, to those noble Persons in whose Hands the Administration is so happily and prosperously lodged.*

The Reader is desired Page 6. Line 26. for *at* to r. *as*. p. 11. *l.* 21. before *one*, read *that*. *Ib.* last *l.* dele the last *of*. p. 12 l. 33. after *War*, r. *was*.

A

MODEST VINDICATION

OF THE

Present Ministry, &c.

THE dutiful and submissive regard that every Gentleman has, or ought to have for the Dignity, Privileges, and Prerogatives of the most august and honourable Assembly of the Nation, **The House of Peers**, has ever had such weight with me, that if the Paper, now under Consideration, had appeared with the smallest Badg of the Authority of that House, I had never presum'd to publish my Thoughts about it. But finding a Pamphlet cried through the Streets, with an unusual hurry, full of heavy, and I hope unwarrantable Reflections against the *Ministry*; and thereby seeming to have a direct Tendency to alienate the Affections of her Majesty's Subjects from her Government, by creating a Diffidence in them of her Royal Administration, under the Name of *The Ministry*; I humbly conceiv'd it wou'd not be taken amiss, that I adventur'd to make some Animadversions upon that dangerous Paper: And that I judged the more necessary on this Occasion, because the real, or pretended Author of it, has by some precedent Speeches, acquir'd amongst the Multitude, so great a Reputation for Zeal for his Country's

Good; that ſome of the giddier ſort, whoſe Minds are now exaſperated at the Diſappointments of this Campaign, ſuck in the Venom with unuſual eagerneſs: Which if not prevented, may have more dangerous Conſequences than every body ſeems to be aware of.

The Deſign of the Speech is very plainly expreſſed in it: The Lords are told, *That begin where they will, if they do not end with the Miniſtry*, in that noble Lord's Opinion, *they will be in a worſe Condition than before:* And elſewhere the Speech aſſures their Lordſhips (tho' by a ſtrange ſort of Inference) *That the* Miniſtry *have occaſion'd our Loſſes, and have been the Root of all our Misfortunes, and that without a Change of the* Miniſtry, *no remedy* (in his Lordſhip's Opinion) *can be effectual:* And his Lordſhip concludes, *That let our Misfortunes be skinned over as they will, if they feſter and throb, and be foul at bottom, they will certainly break out with* Incurable *Rage and Fury.*

And indeed that Concluſion is of a piece with the Beginning; where, after the Orator has inform'd their Lordſhips, *That every Man will endeavour to preſerve his own Life, tho' at the ſame time he knows that Death is unavoidable:* He adds, *That he takes that to be the preſent State of* England, with a flouriſhing Apology, *that he cannot forget the* Beloved Name, which is now ſwallow'd up in that of *Britain*; whoſe Condition, his Lordſhip ſays, is very low and deſperate: But yet his Lordſhip thinks himſelf obliged to do all he can towards *the helping* a poor ſinking Iſland, *tho' at the ſame time he is convinced it will be very Inſignificant.*

And then his Lordſhip goes on to give us a very frightful Account of our Diſaſters, *That our Ships are taken by our Enemies* (and our Herrings by our Friends) *our Royal Navy has not eſcap'd, our Merchants beggar'd, our Commerce broke, our Trade gone, our People and Manufacture ruin'd,* a huge deal of Words) *the Cuſtoms loſt,* and the Parliament to make good the *Deficiencies:* And then our Allies are invidiouſly brought in again, as having an open Trade; which I don't ſee any reaſon to blame them for: Since 'tis beyond all Contradiction, that the States of *Holland*, being a free and Sovereign Republick, may take ſuch Meaſures as to them ſeem moſt advantagious, for the good and benefit of their Subjects:

jects: And I am confident, that if the Parliament of *Great-Britain* think fit to take the same Measures, none of their High and Mighty Lordships will presume to say any thing against it.

This noble Lord seems to have a great deal of Deference for the Addresses of the Illustrious Assembly, of which he has the Honour to be a Member: And since his Lordship cannot be ignorant of that in which they humbly pray her Majesty to cultivate a good Correspondence and Intelligence with all her Allies, and especially *The States General of the United Provinces*; I wonder that a Peer so zealous for the Glory and Prosperity of his Country, shou'd take all occasions, in the middle of a dangerous and dubious War, to give our best Allies sufficient Grounds of Jealousie and Discontent. Our Herrings it's true, are taken on our Coasts, by a People more Industrious than ourselves; and tho' 'tis beyond all Contradiction that some Acknowledgment ought to be made for that Allowance, a fitter opportunity might be taken for it.

The same Lord in a former Speech, was pleas'd to quarrel with the Prudence of that State, for restraining their Forces from a Battle, which if lost, they believ'd might have been of very uneasie Consequence to them. And one wou'd have thought that the small Encouragements that Speech met with, might have been a sufficient dissuasive from making new Reflections against them.

The Design of the Speech being thus made clear, which is to overturn the Ministry, in hopes that if a new one is created, some body may have a share in't; I am next to consider the Method which the Author has taken to make his Project take Effect. And here it appears to be calculated for Three Ends,

To Compliment the Prince,
The *North-British* Lords and Commoners, And
The People.

As to the First: We are told that whatever Faults the Prince's Council has committed, his Royal Highness is advised not to lay down that Commission, because he holds it by a better Title than the Favour of the Ministry, and consequently cannot be under any Awe——And so far I can't deny but his Lordship is in the right on't: But if the attendance his Highness gives the Queen

his

his Royal Consort, and the Great Affairs of State; does necessarily oblige him to leave the Management of the Navy to other Hands, and he shou'd be pleased to resign it to another; I don't see any reason why he shou'd be deny'd that Liberty.

And next, my Lords, the *North British* Peers must be cajol'd, and the Infractions of the Union insisted on. As to which I shall only say, *That if any Person whatsoever has transgrest against the Stipulations of the* UNION, **the Law is Open,** *and the Offenders ought to be severely Punish'd.* But how far this noble Lord is their Friend, is what I shall in due time consider.

The People come next, and they are told how deeply this noble Orator is affected with their grievous Losses and Misfortunes. If they will take his Word, that he has not any other Design in view, I shall not be against it; and therefore I shall leave that Consideration to resume the Story of the UNION.

And here I cannot help reminding my *Reader*, that tho' thirty of the ablest Statesmen of the then (so much beloved) *English* Nation, consented to an *Union* of the *British* Monarchies: The Lord *Haversham* in his Speech to the House of Lords, in the last Session of Parliament was pleas'd to inform their Lordships, *That he had a Right of uttering his Thoughts, and entering his Protest too, to any thing that he might be pleased to dislike; which he threaten'd their Lordships he certainly shou'd find an occasion to do, before that Matter cou'd pass into a Law*: But it seems that honourable Assembly, found a way to make his Lordship sensible, *That they had a Right to enact a Law without the Consent, and notwithstanding the Protest of that noble Lord.*

His Lordship then went on to plead a great deal of Merit on the side of (*Scotland*, now) *North-Britain*; in consideration of a Motion made in a former Session of Parliament, for repealing certain Clauses of an *Act* by which that Kingdom was aggrieved; and assur'd us that his Lordship wou'd do any thing that might be conducive to the Interest of both Nations.

I will not presume to Suggest that the Motion was not made with the most generous intentions Imaginable on his Lordship part; but yet I can't be so unjust to all the rest of the Illustrious House of Peers, as to fancy that such a Motion had never been made, if my Lord of *Haversham* had been out of the way: And besides that,

I can't

I can't forbear putting his Lordſhip in mind, that the beſt way to have ſecur'd to himſelf the eſteem and veneration of that People, for the ſervices done to them in the firſt Seſſion of the preſent Parliament, wou'd have been, not to have run Counter to 'em in the ſecond; as 't will plainly appear his Lordſhip did, upon the peruſal of the following Paragraph of his Speech.

Theſe Articles (Meaning the Articles of the Union) *come to your Lordſhips with the greateſt Countenance of Authority, that I think it's poſſible any thing can come; your Commiſſioners have agreed to them; the* Scots *Parliament has, with ſome few Amendments, Ratify'd them; and the Queen her ſelf from the Throne Approves of them; and yet you muſt give me leave to ſay, That Authority, though it be the Strongeſt Motive to incline the Will, is the weakeſt Argument in all the World to convince the Underſtanding.* 'Tis the Argument the Church of *Rome* makes uſe of for their Superſtitions Worſhip, where there are ten *Ave-maries to one Pater-noſter; juſt as unreaſonable as if ten times the Application and Addreſs were made to a* She Favourite, *as to the Perſon of the Sovereign, which is a kind of State Idolatry.*

I ſhall not here inſiſt upon a nice Diſtinction between perſwaſive and Coercive Authority. If the Author means the firſt, he ſays nothing to the purpoſe; and if the latter, 'tis prepoſterous to Dream that the Authority of the Commiſſioners delegated by her Majeſty by virtue of an Act of Parliament, can be Coercive with regard to the Parliament. The Noble Lord did well obſerve that the two Kingdoms were independent of one another; from whence it follows, that the Authority of the Parliament of *Scotland*, cou'd not interfere with that of *England:* And his Lordſhip no doubt wou'd be thought too good a Patriot, to fancy that the approbation from the Throne, *Anglice* her Majeſty's ſole Authority, is Coercive in enacting of Laws.

Shall then the mild perſwaſions of a gracious Princeſs, who had receiv'd that very Seſſion, the willing thanks of a dutiful Parliament, for her pious and indefatigable endeavours, to make her Siſter Kingdoms as happy in each other as both are in their tender

Princely Mother; be by a Member of the Superiour Houſe of that very Parliament, compared to the odious and infernal Cruelty of the *Romiſh* Idolators! Or after the Concluſion of ſuch an *Union*, ſhall we be afreſh diſturbed with imaginary Fears and Jealouſies, as before we were told amazing Stories of the Toes of *Nebuchadnezzar's* Image, to introduce a groundleſs Apprehenſion of the neceſſity of a ſtanding Force, to maintain the Stipulations of the *Union*; which thanks to God, there has not hitherto been any Occaſion for, tho' before the *Union* his Lordſhip expreſſed himſelf to be in the greateſt Apprenhenſions imaginable about the real or pretended Commotions and Diſturbances in *Scotland*; alledging withall, a great deal of care for *the Good Old Engliſh Conſtitution*, and eſpecially for the *Engliſh* Peerage, which his Lordſhip did then Fancy to be in Danger, by the Sixteen *Scotch* Noblemen, to be by the Articles of *Union* admitted into the Houſe of Lords: Upon whom by the way, his Lordſhip did paſs in that Speech, but a very Indifferent Compliment, by ſeeming ſo apprehenſive that they might be inclined to make any Invaſion upon the *Engliſh* Conſtitution.

The Religion and Laws of the Reſpective Nations are provided for by the very Conditions of the *Union*; which if duely obſerv'd may perhaps prove the beſt Security of both: And whatever this Noble Lord may fancy of the *North Britiſh* Members, I am apt to believe that if ſome future Prince ſhou'd pretend to make any Invaſion upon the Privileges and Immunities of the Subject, the *North-Britains* wou'd be as refractory at their Neighbours.

But above all things, one wou'd wonder to ſee in that Speech from ſuch a hand, ſuch an Admonition given to my Lords the Biſhops. That truely, *they ought not to part with the Epiſcopal Ordination and Supremacy in* Scotland, *which they never had any* thing to do with. Laſt Reign, a certain Lord was look't upon as a violent Diſſenter, and laſt Seſſion he was Orator and Champion for the Biſhops: In the firſt Seſſion of this Parliament, he was for bringing in the *Scotch* Cattle, and laſt Seſſion for keeping out the *Scotch Men*. 'Tis well his Lordſhip himſelf has told us, that he can conform Occaſionally; for elſe a Body might have thought him a perpetual *Non Conformiſt*.

Well,

Well, but in the next place we are told, as a farther Blind upon the *North Britiſh* Lords *&c:* That the Firſt, Fourth, and Laſt Articles of the *Union* have been broken; and that after the honeſt Trader thro' a thouſand Difficulties and Dangers, has brought home ſome ſmall Effects, he is fallen upon and oppreſſed, by unjuſt and Vexatious Proſecutions.

And here no doubt his Lordſhip hints at the buſineſs of the *Scotch* Wines and Brandies; in which if that Nation has been any way aggrieved, no doubt they have a Right to apply for a proper Remedy and Satisfaction. They ſay that the Goods were really theirs, and that being brought thither in a lawful manner, and made *Scotch* Goods, before the Commencement of the *Union*, they did on the firſt of *May*, actually become *Britiſh* Goods, and conſequently were not liable to any new Cuſtom here: In which they are certainly in the Right, if it be true that the Effects were really *Scotch* and legally entered there. But my Lord *T*——— being informed that it was a meer Trick of ſome Merchants and Vintners here, not only to import a Prohibited Commodity from an Enemy's Country; but even to defraud her Majeſty of her Cuſtoms, at a time when the Revenue has no need of being impaired, he thought fit to cauſe the Wines to be ſeiz'd; till the Owners ſhou'd give Security to try the Cauſe with the Queen at Law.

The Caſe being thus, with all due reſpect to the Gentlemen of *North Britain*; I think it does not deſerve ſo ſevere a Cenſure as his Lordſhip wou'd inflict on it. Nor is there wanting a Precedent much of the ſame Nature with this, to juſtify in a great Meaſure that Act of the Lord *T*———. When about the Year 1700. Our Merchants had found out much ſuch another Trick, to defraud the King of his Cuſtom, by ſending great Quantities of *French* Wines to St. *Sebaſtian's* and *Leghorn*, and other places in *Spain* and *Italy*, where being drawn off into Casks of thoſe Countries, they were imported hither under the Notion of *Spaniſh* and *Florence* Wines: But the Parliament being informed of the Cheat, a ſpeedy ſtop was put to that Abuſe.

It has ſeldom been the Crime of our Lords or Commiſſioners of the Treaſury, to be over diligent, and vigilant in the performance of their Duty. 'Tis a very hard mattet for a Man in ſo great a

Place

Place to pleaſe every Body; and 'tis ten to one, if the Wines had never been ſeiz'd or meddled with, but the Malecontents wou'd have cried out, *Bribery*.

The noble Lord in whoſe hands the Adminiſtration of the Revenue is now lodg'd, has long been look'd upon as the fitteſt in the Nation for that Poſt. He's a parcimonious Man and ſuch a one we want. Nor can it be denied by his greateſt Enemies, that he has put the Exchequer upon ſuch a foot as it never was known to be upon before. His Lordſhip no doubt knows his Duty very well and has ever been believ'd a good judg of his own Intereſt. If any thing is legally offer'd againſt him either about the Affair of the Wines or that of *Spain*, his Lordſhip muſt make his legal Defence: But let that matter go which way it will; if this Lord cou'd attain his Aim, which plainly ſeems to be the Diſplacing the Lord *T*———. (amongſt the reſt of the Miniſtry) his Lordſhip wou'd do well, firſt to let the Nation know where they may be provided of a better. But the Earl of *G*———. is not the only Perſon that here is pointed at: Our Orator takes the Miniſtry by wholeſale; and will not be ſatisfied with any thing leſs than an Univerſal Change: But yet he ſtill leaves ſome particular mark of diſtinction for thoſe that are more eſpecially aim'd at.

His Lordſhip tells us *That the face of our Affairs is viſibly chang'd in one years time, and the Temper of the Nation too*, ('twere well his Lordſhip's had been chang'd amongſt the reſt.)

'Tis ſtrange that ſuch an Alteration ſhou'd happen in ſo ſmall a time, in a Nation inur'd during almoſt the whole Courſe of the laſt War, to Misfortunes much ſuperior to any that have happen'd this; and which yet were ſupported with a great deal of Conſtancy and Reſolution, and ſure I am that Widows and Orphans were then as plentiful as now, and no ſuch Outcry made of it by this noble Peer; but there's nothing without a Reaſon.

And now the diſmal Story muſt end with the frightfull Vocables of *Reſentment* and *Indignation*, againſt the (*Miniſtry*) Authors of theſe Misfortunes. Strange Innuendo! the *Miniſtry* muſt be reſponſible for the Act of God or the Enemy! Where is the Man at this Rate, that will be a Miniſter!

Well: This is not all; The old Eye-ſore, muſt have a ſhare it ſeems in all the Speeches. And we are told, *That the* Fames (a new

new fashion'd Word) *that have lately flew abroad, no Body knows from whence, and the Papers which have been cried in our streets, are all marks of the* **great Ferment,** *the Nation is* (supposed by his Lordship to be) *in.*

Why really here is News to the King of *France*, which no doubt he'll be very glad of: The Enemy has the Evidence of a noble Peer, to prove the imaginary Ferment of the Nation. They very well know what use to make of that Ferment both with our Allies and with neutral States and Princes; and for that Reason I cou'd have wish'd with all my heart, whatever might be fit to be said in a proper place, where a Remedy is to be expected, that no such fermenting Paper had ever been expos'd to the giddy Multitude, to put those in a Ferment, that perhaps were in none before.

Good God! Why all this Ferment: If upon account of any real or pretended Breach of the *Union*; in God's Name let the matter be fairly, (but calmly) enquir'd into. Let the Brave *North Britains* have all neighbourly and reasonable satisfaction, and let the offenders be duely censur'd, which is all that can reasonably be desired.

If upon Account of our Losses: 'Tis true they have been considerable by Sea, which is what our Nation is most deeply affected by. Part of our Loss there, nay our most sensible Loss (the Death of the Brave Sir *Cloudesley Shovel*, and the Loss of his and some other Ships) was the Act of Almighty God. The rest was the immediat Act of our Enemy, and if it can be made appear that any Person concerned in the Management of the Navy, was wanting to his Duty, either by Treachery or Negligence, with all our Hearts **Fiat Justitia.**

But why shou'd the Innocent be involv'd in their Misfortune, without having any share in the Crime? Because *Judas* betray'd his Lord, the Saviour of the World, shou'd all the Apostles be reckon'd Traytors? Is it impossible that some Person concern'd in the Navy shou'd commit a Crime, without the Partcipation of all the Ministry? Or must those noble Persons whose Predecessors and themselves have often, sav'd the Nation from utter Ruine, be all undone for the fault of one Man; if any such fault were prov'd? It being evident that most of the Lords and others now concerned

in the Administration, and their Families, have ever been the Nation's Benefactors.

It is a known Maxim amongst the Interpreters, *That where an Author's words are obscure and dark in one place, the sence is to be gather'd from such parts as are more intelligible.* And whoever is at pains to take this Speech a little to pieces, and compare some Passages in it, with others of a precedent Speech, will easily unriddle all the Mistery of the *Fames* dispers'd abroad and the *Papers* cried in our Streets; which are urg'd as so many visible Proofs of an Universal Ferment.

'Tis true we have lately had some sullen Rumours of Correspondence with *France*, Confinements for it, and the Lord knows what. For as the Speech does well observe, they flew abroad, no body knows from whence, as 'tis ordinary for the Works of Darkness to do. After these, follow'd the Scurrilous Papers alluded to in the Speech. The first of these infamous Libels, was entitled, *The Fortune of Royal Favorites*, and contain'd a ridiculous, impertinent incoherent, nonsensical Story of the *Spencers*, the Earl of *Essex* &c: And was follow'd by another impudent piece of Nonsence, call'd a Vindication of the Dutchess of ——— doubtless both the Product of some Hackney, hawking Scoundrel, to purchase at that villainous Rate, the price of a Pot of Ale and some Bread and Cheese and Tobacco, with which such arrant Knaves are incessantly furnish'd, by two or three rascally fellows, who are a grievance to the Nation, and a scandal to their otherwise Reputable Trade of *Printing*. And that such an unaccountable Piece of ribaldry, shou'd be urged as an Argument of a national Ferment, will I presume appear very strange to all but such as wish it were so.

For the better understanding of this part of his present Speech, it will be necessary to look back to a presumptious *Simile* in a former, already mention'd, where this Lord is pleas'd to introduce a **She Favourite** whom he distinguishes with **Black Letters**, supposing her to receive *ten times* the Submissions and Addresses paid to the Sovereign; and therefore Compliments her with the Name of a **State Idol**; tho' may be his Lordship would not have been the last to have worship'd her, if he had not cunningly foreseen, that his Homage wou'd hardly have been thought worthy the Acceptance.

If

If a late Lady had been so great a Favourite, a new Lord wou'd not perhaps have made so great a Noise, and the People should never have been scar'd with frightful Riddles of the *Popish* Invocation of Saints and Angels. Every private Subject has the Liberty of requiting the fidelity and affection of their old Servants; and why shou'd a Sovereign be denied the privilegd of exerting the Princely Vertues of Gratitude and Generosity! No State Favourite can be so great in *England* as to be above the reach of the Law, if their Behaviour renders them obnoxious to it: And as the Parliament has an undoubted Right, which they have often and generously asserted, of prevening any prejudice to the Nation by such means, they never will on the other hand presume to set Limits to the private bounty of a liberal Prince, to such as have the happiness to deserve it.

The Honours and Distinctions with which our present most gracious Sovereign's particular Inclination has led her to gratify the inviolable Affection of the fortunate Lady to whom this invidious blow is giv'n, have been so gloriously confirm'd by the Parliament and the People, who are equally sensible of the infinite Services perform'd by the most renowned Subject now in *Europe*; one wou'd wonder how it should so much as enter into the Head of any Malecontent to repine at the choice of a gracious Sovereign, which Almighty Providence seems plainly to approve.

Flattery I know is nauseous to all but those who stand in need of it, and therefore I shall not undertake the difficult Task of enumerating the manifold Blessings with which a gracious God has been pleas'd to Crown the Administration of a pious and grateful Queen, committed to the care of an able and a faithful Ministry. The Wisdom, Justice and Moderation of the present Government, is a happiness *Britain* has been too long a Stranger to; and the Continuation of which I am perswaded is the Subject of the Prayers of all good Men. 'Tis the effect of a late happy Resolution; may God Almighty preserve us from another.

And here by the way, it may not be amiss to put the now cajol'd *North British* Peers in mind of the Apprehension his Lordship then expressed of the Danger of the Peerage seemed by the

Union

Union to be expos'd to. Nor do I doubt, whatever Opinion his Lordship may be pleas'd to entertain of them, that he will find the *North British* Understandings to be of a better size, than thus to be led away into this Ferment the rest of the Nation is said to be in.

I hope I have now made it pretty plain, to any unprejudic'd Reader, who are the particular Persons in the Ministry, more especially pointed at in this Speech; and having elsewhere suggested, that even the Royal *Authority* cannot shelter the Queen herself from the virulency of some Pens, I must for Proof of that, appeal to the two last Paragraphs of the before quoted Speech in the following Words:

In King Charles the First's *time, the Cavaliers were the Persons that ventur'd their Lives, and lost their Estates to serve him. And in K.* Charles the Second's *time they were forgot, and left Starving. At the Restoration the Presbyterians were as zealous for that as any Man whatever, and none more Persecuted all his Reign, the Bishops threw out the Bill of Exclusion, and King* James *put them in the* Tower. *At the Revolution, the* Londonderry *Men,* &c. *were the Persons that made the first and noble stop to King* James *in* Ireland; *and I my self have fed some of them at my own Table, when they were starving, with the greatest Commendations and Promises in their Pockets; which I have seen under King* William's *own Hand. In the last Reign,* every Body knows who they were that made their constant Court at St. *James's*, and we see what favour they are in at present.

Now there is a great deal of Zeal for this Union, I wish from my Soul that the Advantages may attend it of Tranquillity and Security, Power, Peace, and Plenty, as is intended by it; but yet it is possible Men may be mistaken. I won't say they will ever repent it; but I will take leave to say what I have have formerly said in this place, that what has been may be.

One wou'd have thought, at least, King *William's* Memory might have been more sacred to a certain Lord, to reflect upon it at such an odious rate: The number of those that deserv'd well for their Services in the last War very great, but that of the Pretenders was much greater; and if that mighty King was not able to stuff all the *Irish* Heroe's Pockets with Mony, it was at least a Mark of his Majesty's good Inclinations towards his Servants, that he provided them with such ample Testimonies and Commendations as entitled this Noble Peer's *London-Derry* Guests

to

to such a plentiful Table, tho' no doubt they did not expect their Host wou'd have clear'd Accounts with them so publickly.

The awful Reverence I have for the sacred Majesty that presides at St. *James*'s Palace, forbids me to trace the Author in his odious and reflecting Comparison between the Court of her late Royal Highness and that of her now most excellent Majesty: What the design of that Comparison is, let the World Judge! I shall only tell a story to which doubtless a Man of our Author's Reading cannot be a stranger.

A certain Duke of the Royal Blood in *France*, having a long while been ill us'd by some of his Inferiors coming afterwards to the Crown, was advis'd by one of his Flatterers to resent it: But that wise Prince considering his Interests were different from that he formerly had been, answer'd the malicious Parasite; *That the King of* France *had nothing to do with the Affairs of the Duke of* Orleans.

So that upon the whole, the *English* of this Author's Epilogue is this, *That the only way to be in favour*, That is, *to be sure of a good Place in the next Government*, is to be very refractory in this.

I agree with the Author, *That some things that have been may be.* And I shall ballance that with a *North-British* Proverb, I don't think Improper here, *viz. It's hard to ding out o'the Flesh what's bred i'the Baenes.* 'Tis such an uneasy matter to please some People, that I doubt they will be long out of Humour: And perhaps that's the reason, *That what has been is now, and like to be, as long as some body is.*

I have already hinted how unseasonable these bitter Reflections upon our Allies seem to be, in the middle of a dangerous War, in which the strictest Confidence and Correspondence are absolutely necessary for our common Preservation: But this too obliquely points at our so much envy'd *Ministry*; tho' I believe his Lordship wou'd be puzzled if the Question was put to him, to tell us when we had such another set of Men in their Posts, since the Days of Queen *Elizabeth*, of happy Memory; nor do I believe that I shou'd venture much, if I asserted that ev'n all the Reign of that glorious Princess, does not afford us any Example of such an honest, prosperous and steady Administration as the present: Neither can I conceive the reason why the Disasters of the Navy shou'd be imputed to them, without better Reasons than meer Suggestions.

A Body wou'd think by the keenness of this Author for a Change, that he himself was in that Case, sure of being put at the head of all Affairs. What the Consequences of a new *Ministry* and new *Measures* might be in our present Circumstances, is more than I believe our Author is able to answer for; and as he was little better satisfied with the last, I'm afraid he wou'd still make a greater Noise (may be with more reason) against the next.

But now to come a little closer to the Matter, if it was ask'd what great Crimes the *Ministry* has committed, to render them thus obnoxious to the violent Resentments of this Lord, it may be worth enquiring what may be answer'd?

Oh! says he, *We have lost a great many Ships, one Battle in* Spain, *and are now forc'd to be on the Defensive on that side, where before we had almost beat the Enemy out of the Country.*

As to the Ships, if any Misbehaviour can be prov'd, let it be punish'd. I see no reason to lay the Loss of the Battle of *Almanza* to the charge of the *Ministry*: And I have elsewhere said, That if our other Disappointments on that side, be imputable to any particular Persons, they only ought to answer it without any general Reflection upon all the *Ministry*.

Ungrateful Nation! The unparallel'd Attack at *Schellemberg*, the yet more glorious Victory of *Hochstet*, the succeeding Triumphs of *Ramelies*; *Bavaria* reduc'd, the Lines forc'd, the Barrier of the so much *beloved England*, rescued out of the hands of the common Enemy; a vast number of glorious Sieges; the most successful Negotiations, and all the Toils and honourable Fatigues of our *British Scipio*, must be buried in oblivion; and our Streets which rung but yesterday with Acclamations and Huzza's, must now be fill'd with the Insolent Murmurings and vile Complaints of the ungrateful Rabble. Oh *Jerusalem*! *Jerusalem*! Did'st thou but know in this thy Day, the things that belong to thy Duty and thy Happiness.

But what can we say? The Saviour of the World was hosanna'd one Day, and crucified the next. I saw the great Man now before us huzza'd through our Streets not long ago; and now the impudent Rabble fills them with Reproaches against his Family and self. Well, in this too he must have the Honour to follow his great Master. There were *Exorbitant Grants* cried thro' our streets, before we heard any thing of *State-Favourites*: And King *William*'s Memory was sufficiently profan'd for his pretended Ingratitude to the *London-derry* Men, in one Speech, before the fermenting Fames and Papers were mention'd in the other.

But now to come to a close; Complain who will of the UNION, I'm sure no hearty lover of this so much beloved Nation, has any reason for it. Tho' the *Dutch* do now make a hand of our Herrings, 'tis no more than they have done before this time; nor is it fit to talk with them about it now. And as to the sinking Condition of this Island, I can't imagine how the Author of the Speech can prove it such.

At the beginning of the War, the King of *France*, by Treachery was become possessed of all *Spain* and the *Indies*, the half of *Italy*, some part of *Africa*, and all the *Spanish Neiherlands*.

He was enter'd into several Leagues, with the King of *Portugal*, the Electors of *Bavaria* and *Cologn*, and the Dukes of *Savoy*, *Mantua*, and *Wolfembuttle*; and then indeed an amazing prospect of Destruction look'd us in the Face on every side— But now observe the Change.

The Electors of *Bavaria* and *Cologn* are become Fugitives, in their deserved Land of Bondage, with their Ally, the Duke of *Mutua*. The Princes of *Wolfembuttle* were forc'd to send those very Men to the Service of the Allies that were rais'd with *French* Mony. The Duke of *Savoy* is now become of an Enemy, an inseparable Ally; the vast Territories of *Naples* and *Milan*, are conquered by their lawful Sovereign, the King of *Portugal* is warring for us in the Heart of *Spain*; and besides *Gibraltar*, an infinite number of other Places of Inferior Importance are in our hands, together with the whole Province of *Catalonia*, the best in *Spain*: Nay, which is more than all; we are Masters of *Flanders*, the Barrier and Security of *Europe*. And therefore I shall leave it to the unprejudic'd part of mankind to determin whether the Nation is really in such a sinking Condition? And whether after all our by-past Experience of that Kind, we ought to be so fond of changing a *Ministry*; who, under God and the Queen, have been the Authors of so many Blessings.

FINIS.

REMARKS

ON THE

BILL

To Prevent FRAUDS

Committed by

BANKRUPTS.

WITH

Obſervations on the Effect it may have upon TRADE.

By Daniel De Foe.

LONDON:

Printed in the Year 1706.

6 7

REMARKS

ON THE

BILL

To prevent the [illegible]

OF

BANKRUPTS.

REMARKS on the BILL

To Prevent FRAUDS

Committed by

Bankrupts, &c.

BEFORE I come to the more immediate Subject of this Book, *viz.* the Bankrupts Bill, it cannot be amiss to enter a little into the History of its Introduction, Proposing, and Passing in the Parliament; in which, if I have had any Share, I am very willing to leave the World to censure me, as the Effects of this Bill are or are not of general Good to the Trade of *England*, and, in short, to the whole Nation.

I need not remind the Reader of the unhappy Circumstances of Trade in general, occasion'd by a long War, great Losses at Sea, and a general Stop upon the *Spanish* Trade.

Nor was our Los at Sea singly occasion'd by the War, though on that Score Trade had felt several very severe Shocks, particularly in two *Barbadoes* Fleets, one East Country Fleet, and a Multitude of other Ships which fell into the Enemies Hands; but, as if Heaven had particularly stretcht out its Hand to touch us in the most sensible Article, our Trade; has happen'd unusual Tempests which made

ſtrange Havock among our Shipping; and that more than any former Hiſtory can remind us of in ſo ſhort a time.

Particularly the Great Storm, on the 27th of *Nov.* 1703. in which an innumerable Number of our Ships periſhed; and the Loſs among the Merchants was incredible.

The very ſame time Twelve month, we had ſo many Storms, tho' leſs ſevere, that Abundance of Ships were caſt away on every Coaſt of *England*, but particularly on the North.

In *Auguſt*, laſt Summer, a Tempeſt, equally violent as the Great Storm, ſunk 14 *Barbadoes* Ships, juſt come into *Plymouth* Sound, with all their Loading, and moſt of their Men; and made a dreadful Havock at *Portſmouth*, and Iſle of *Wight*.

In *Barbadoes*, a Hurricane deſtroy'd, I think, Two or Three and Twenty of our Merchants Ships.

The *Jamaica* Fleet felt the Force of it at Sea, and were terribly ſcattered; ſome came ſtragling home, ſome fell into the Enemies Hand, ſome periſhed at Sea, and the reſt with their Convoy made for *New York*, and *New England*, to repair having ſuffered extraordinary Damage.

Theſe, and a Multitude of Circumſtances, too many to reckon up here, fell heavy upon Trade, which added to the general Obſtruction of the *Spaniſh* Trade, and Deadneſs of our Manufactnres, had among others this moſt neceſſary Conſequence, that an unuſual Number of Tradeſ-men, as well Merchants as others, ſunk under the Calamity, and became Bankrupt.

Now, as in former times, the Liberties and Refuges Bankrupts had found became grievous and ſcandalous to the Nation, the Parliament at ſundry times had made very ſevere Laws to prevent the Advantages which Inſolvents took by thoſe Retreats to injure and abuſe their Creditors.

But when, as before, the Multitude of Inſolvents increaſed to ſuch a Degree, and many honeſt Families fell into the

ſame

ſame Circumſtances, the Severity of theſe Laws, deſign'd againſt Knaves, fell ſo ſeverely on the the miſerable and unfortunate, tho' honeſt Traders, that it began to move the Nation to Compaſſion.

The priviledg'd Places being ſuppreſs'd, the Rules of the *Fleet* and *Queen's-Bench* became ſo throng'd, and the Objects ſo melancholy, that ſome of the cruelleſt Creditors began to relent.

The *Eſcape Act*, as it was call'd, had fill'd the Priſons with a great Number of Debtors; who being committed without Bail, had no Hopes of ever being delivered, but by the general Jayl-Delivery of the Grave.

Under this Circumſtance Matters ſtood, when one Mr. *Pitkin*, a Linnen-Draper, breaking for a very great Sum of Money, and that with all the dark Circumſtances of a deſigned Fraud, Application was made to the Parliament by his Creditors for Relief againſt this notorious Cheat.

This produc'd the Form of a Bill in general againſt Bankrupts, but the Parliament being juſt coming to a Concluſion, and the Seſſion at an end, there was no time to finiſh it as a Law; and ſo it was given over for that Year.

The Subſtance of this Act was very ſhort, only to compel the Bankrupt to come in, and ſurrender himſelf, Goods, Books, and Effects to his Creditors; and to aſcertain the Penalties and Puniſhments in Caſe he did not.

Upon the meeting of this preſent Parliament, this Bill was the firſt thing read in the Houſe, and being committed to a Committee to conſider of it, it lay before them a long time.

'Tis needleſs to recite here the Attempts made to put it forward, and by whom: The Bill was all this while a Proviſion only to puniſh; but as it ſeem'd a ſufficient Foundation to anſwer both Debtor and Creditor, ſeveral Perſons on both ſides began to conſider how to make it a compleat Act, and both to relieve the miſerable but honeſt Debtor already

fallen

fallen into Diſaſter, and ſecure Trade againſt the numerous Miſchiefs of Bankrupts for the future,

And the Buſineſs now before me is, To propoſe how this Act may be rendered uſeful to theſe two happy Ends; and, if poſſible, to provide againſt and warn us of all the common Abuſes of Knaves, which may pervert the End of this, and rob the publick of the Good that is ſo plainly deſign'd in it to both Parties.

But a little to perſue the Hiſtory of the Bill: It was a great Advantage to the good Deſign of making a compleat Act, that there happen'd an Abſurdity in the firſt Contrivance, which, when it came to be examined into, made it almoſt impracticable, as it was; and that was this,

The Act was to compel Bankrupts to ſurrender themſelves and Effects to the Commiſſioners. Now the Caſe was thus, When a Commiſſion of Bankrupt is taken out againſt a Man, the Creditors are at Liberty to come in, or not come in; he that refuſes to come in, has indeed no Share of the Bankrupt's Eſtate, but is left to get his Debt how he can, and has a Right of Action againſt the Debtor as before.---- 'Tis true, if he recovers any thing, it ſhall be recovered again by the Commiſſion; but he may lie ſtill, and wait, and fall upon the poor Debtor at laſt.

Now to make the Debtor ſurrender all his Effects to the Commiſſion, and yet leave him expos'd to all the Creditors that pleas'd to ſtand out, was firſt unjuſt to the Creditor, to ſhare all among a few, and leave the reſt without any thing; and barbarous to the Debtor, to force him to give up his whole Eſtate to a part of his Creditors, and leave him expos'd to the Mercy of the reſt with nothing to pay.

From this Circumſtance it ſeem'd ſo rational, either to force all the Creditors to come in, or to diſcharge the Debtor from them that ſtood out, that when ſuch an Offer was made to the Houſe, it was too reaſonable to be oppoſed; and on the firſt Motion made in the Houſe, it was ordered, *That the Com-*

Committee be empower'd to receive a Clauſe for the Encouragement of ſuch Bankrupts as ſhall voluntarily ſurrender their Effects to the uſe of their Creditors.

This was the Birth of the following Law: For now it remain'd only to conſider, what could encourage the Man to ſtrip himſelf naked, and make an honeſt Surrender?---- And the Anſwer was natural, *HIS LIBERTY.* What could you give him that would coſt the Creditors leſs? What that he could value more? A Thouſand Arguments offer'd themſelves to uſher this into the Bill, and little but mere Trifling was urg'd againſt it.

It was unanſwerably argued to the faint Oppoſers of this Bill, That no Man could pay more than all; That to keep a Man in Priſon, when you had ſtript him naked, was unchriſtian and unreaſonable; That to make a Man ſurrender all he had, and not give him his Liberty, was to ſtarve him, and put him to Death for Debt, which, however a Crime, was not yet made Fellony by the Law; That to force him to ſurrender all his Effects, and not give him leave to work for Bread, was to force Men upon Perjuries, and all ſorts of Extremities, for fear of periſhing; That this would be the way to make more Bankrupts, and Bankrupts more fraudulent; ſince Deſperation would now run them upon all poſſible Methods to ſecure their Effects abroad, and afterwards themſelves, and ſo Commiſſions would be able to reach nothing; That to make Men deſperate, was the way to make them Knaves; and as there never was any Law but ſome way or other might be evaded or avoided, this would put Mens Inventions upon the rack for new Methods to defraud their Creditors; That this would farther encreaſe the Complaint already made of our Tradeſ-men taking Sanctuary in foreign Countries, and robbing the Nation of its People, ſince now not a few only of our Bankrupts, but all Bankrupts muſt go beyond Sea, to avoid a Law, by the Severity of which they muſt be ſo hardly treated; and a general Depopulation muſt

in

in time follow us, as far as extends to all our unfortunate Tradeſ-men ; That not our People only, but vaſt Riches would be thus carried out of the Nation, all our Bankrupts being thus forced to carry their Creditors Eſtates with them to ſubſiſt them, and enable them to trade and maintain their Families abroad ; That this Law was unjuſt in its Nature, becauſe 'twas all Penalty and no Reward, and had a Tendency to bring Men to a Neceſſity of Puniſhment, without any room to avoid it, ſince the Man was bound to Miſery every way ; he was to be hang'd if he did not ſurrender, and ſtarv'd if he did.

There were Abundance more Arguments uſed of the like Nature, which were never yet anſwer'd, and which made the Act appear ſo Rational, ſo Neceſſary, and ſo Chriſtian, that few People oppos'd it of any Conſideration ; and thoſe that did were brought to this, that they could not object againſt the Bill, only they would not have had it paſs'd till the next Seſſion.

Againſt this was urged the preſent Neceſſity of the Bill, the Diſaſters of Trade having crowded us with Bankrupts, whom the Cruelty and Obſtinacy of Creditors had driven to ſuch Extremities, that they liv'd languiſhing in Priſons and priviledg'd Places, where they were forc'd to ſubſiſt, *and at an expenſive Rate too*, upon the Eſtates of their Creditors, and upon thoſe very Eſtate, which, upon the leaſt reaſonable Encouragement, they were willing to ſurrender : That this at laſt brought them to have nothing, either for themſelves, or Creditors ; and then, having no hope of Deliverance, they went abroad, and the Creditors loſt all that they might have had.

And indeed theſe things began to be ſo ſcandalous to the whole Nation, that even the Creditors themſelves ſeem'd eager for this Bill, and, I am forward to ſay, will be the greateſt Gainers by it.

Nothing was more frequent than for a Bankrupt to make a good Offer, perhaps of 5 to 10 and 15s. *per l.* to his Creditors, which all but Two or Three Men would be willing to accept:-- And these Two or Three Men, either rashly, and inconsiderately obstinate, or having secret Expectations of more advantageous Offers, or from Malice, Revenge, or a hundred various Causes, absolutely reject all Composition: Now by the harden'd Cruelty of these Two or Three, the Man is kept in the Mint or Rules in Misery and Distress, till in time a Wife and Family and other Circumstances waste the whole Sum; the rest of the Creditors lose the Offer they had made them, and the miserable Man has nothing at all to pay.

I could go on here to publish, *and did design it*, a melancholy Journal of the Barbarities and unheard of Cruelties of Creditors in many particular Instances, which Posterity would hardly believe could be practised in this Protestant Nation, where we pretend to generous Principles, and to practise Compassion to the miserable: I could give a dreadful List of the distresses of Families, who have really perish'd under these Barbarities; and whose Miseries his Heart must be harder than mine that can bear to relate.

I choose therefore to cover them with an universal Blank, that they may not rise up in Judgment, even in this World, against the Honour of the Protestant Religion, and the general Character of my Native Country: and since the Progress of it is stopt, I desire to have the Particulars forgotten, by which we were labouring in *England*, to recover the Name of the most barbarous Nation under the Sun.

Nor shall I record, to their Reproach, the Names and Endeavours of some Men to loose a Bill of such general Usefulness to the Nation, from their own Concern in the Cruelties abovesaid, and for the Sake of private Cases, where they had some Debtors under their Hands, who they were loth should escape them: I congratulate the poor Men that are thus delivered from the Power of unreasonable Creditors; and I con-

gratulate those Creditors too, in their being restrain'd from being so wicked as they would be, and being forc'd to be moderate, though against their Wills.

These Men indeed made some Clamours at this Bill, upon the Lords ordering the Merchants to come up, and give their Opinions; but the Arguments were so weak, and the People appear'd so hot, and so visibly partial, that the Lords, convinc'd by the Reasonableness and Justice of the Bill, agreed to it with some Amendments; to which Amendments the Commons agreed; and the Bill obtain'd the Royal Assent the 19th of *March*, 1705. The Substance of which is as follows.

THE Bill Enacts, That whosoever shall become Bankrupt after the 24th of June, *and shall not, within thirty Days after Notice given, that a Commission of Bankrupt is issued against them, surrender themselves to the Commissioners,* &c. *and submit to be examined upon Oath,* &c. *and conform to all the Statutes already in Force against Bankrupts, and discover how, and in what manner, they have disposed of their Estates, and also deliver up to the said Commissioners all such Goods, Wares,* &c. *as at the time of such Examination is in their Custody,* &c. *wearing Apparel excepted; in Default, or wilful Omission thereof, upon lawful Conviction, shall suffer as a Felon.*

All Persons who shall surrender and conform as above shall be allowed 5 per Cent. *of the Net Produce of the Estate so surrendred, and shall be fully set free and discharged from all former Debts; and if arrested afterwards, shall be discharg'd on common Bail, and may plead in general the Cause of Action accrued before they became Bankrupt.*

The Allowance of 5 per Cent. *shall not exceed* 200 *l. in the whole, nor be allow'd at all, unless the Effects amount to* 8 *s. in the Pound; but the Commissioners to be left to Discretion what to allow.*

Persons

Persons who conceal any of the Bankrupts Effects, or receive any Trust for them, if within thirty Days after Notice given them, they do not discover them to the Commissioners, shall forfeit 100 l. *and double the Value concealed, but if they discover voluntarily, shall have* 3 per Cent. *for all that shall be recovered by such Discovery.*

Commissioners to have Power to state open Accompts, and shall accept the Ballance in full Payment.

No Bankrupt that has given above 100 l. *on the Marriage of any of his Children, unless they can prove upon Oath they were then worth more than the said* 100 l. *all their Debts paid; or that hath lost in one Day the Value of* 5 l. *or in the whole,* 100 l. *within a Year, before he became a Bankrupt, at any sort of Game or Play, shall have any Benefit by this Act.*

Former Bankrupts, against whom Commissions have been issued before the 10th *of* March, *have Liberty to come in till the* 24th *of* June; *and on the same Terms of Surrender shall have the Benefit of this Act.*

No Discovery upon Oath as above shall entitle the Bankrupt to the Benefit of this Act, unless the Commissioners or the major part of them certify to the Lord Chancellor or Keeper, &c. *that the said Bankrupt has conform'd to this Act, and that there doth not appear any Reason to doubt the said Oath and Discovery; and unless the said Certificate shall be confirm'd by the said Lord Chancellor or Keeper,* &c. *or Two of the Judges, to whom such Certificate shall be referr'd, and the Creditors to be heard if they desire.*

No Expence to be allowed to the Commissioners for Eating and Drinking; and if any Commissioner shall order any such Expence to be made, &c. *to be for ever disabled to act as a Commissioner.*

I confeſs I cannot but wonder why the Gentlemen that oppos'd this Law, *ſo univerſally deſir'd*, ſhould be ſo eager againſt it.--- I am loth to ſuggeſt *what ſome for want of Charity are of the Opinion is too true* that theſe Men, whether Drapers or others, taking large Credit themſelves are loth to be depriv'd of the Opportunity when they ſhall find Occaſion to break to their Advantage: I won't affirm, that theſe Gentlemen having always practiſed the ſcandalous Method of ſtanding out in Compoſitions, to get collateral, clandeſtine Securities, are loth to venture ſtanding upon even hand with other Men in Caſes of Bankrupts;--- Nor will I ſay they frequently ſet up young Men without Stocks, give them large Credits at firſt; under the Shadow of which Sham Beginnings they get into other Mens Debt, and pay theſe off with their Neighbours Eſtates: I won't ſay they all do, as one of them own'd to me he did, *viz.* ſtretch the Law to get a Man out of his Houſe, and then ſwear him a Bankrupt, though he never had committed the leaſt Act of Bankrupcy, but what they forc'd him to.

I won't ſay, (tho' I doubt 'tis too true) that they have by Cruelties and Oppreſſions, got already ſeperate Payments and private Conſiderations from Bankrupts, under their Power, and made them purchaſe their Favour at the Price of abuſing the reſt of their Creditors, which ſeparate Sums *muſt now be refunded*, and the Knavery of it appear.

But this I will ſay, that unleſs theſe or ſuch as theſe are the Reaſons, 'tis a perfect Myſtery to the World, why theſe Gentlemen, or any Man of Trade in *England*, ſhould be againſt this Bill; and I wonder they have not attempted to ſhow ſome better Reaſons for it.

And this I muſt ſay, That this Act ſets all Creditors on an equal foot with one another; and takes away all the Advantages obſtinate deſigning Knaves had over honeſt Men: Creditors will now fare all alike; they will go Hand in Hand to make the beſt of the Bankrupt's Eſtate, and all have their Share in it.

I ſhall

I shall now enter a little into the probable Advantages of this Bill to the Publick, as well as in particular to both Creditor and Debtor; and then descend to the Methods proper to be taken on both Sides, in the Pursuit of this Act, to make it useful to the Publick: And, I doubt not, before I have done, the Gentlemen who seem'd to be against this Act will be very glad it has pass'd, and very sensible with how much mistaken Zeal they oppos'd their own Benefit.

I shall not in the Advantages of this Bill insist much upon the Debtor's Part; 'tis plain, his Advantage consists in obtaining his Liberty, to try his Fortune again in the World, and go to work for Bread, that he may support his Family, and live.---- If he has a more than common Stock of Principle, he has room given him, if ever God in his Providence trusts him again with an Estate, he has an Opportunity put in his Hand to recover the Reputation of his Integrity, which having suffered some Scandal, he may restore by a gratuitous Payment of those Creditors, from whom he has been legally discharged. And I cannot quit this Head, without earnestly moving such Men to remember, that the Obligation of Conscience must remain as far as with corresponding Circumstances they can reasonably answer things, besides a Debt of Gratitude to such Creditors in particular, who being kind, tender, and forward to comply with reasonable Offers, have been untainted with the Cruelties that have helpt to ruin and destroy the Nation.

Again the Vicissitude of Fortunes must weigh with those Gentlemen, that have left in them any thing of a Sense of humane Misery; you Gentlemen that being delivered by this Act from the Cruelty and Fury of your Creditors. --- Perhaps some of you may live to see those very Creditors reduc'd and Bankrupt, when you are free again, and flourishing.

Remember then the Condition you are in now, remember who sets up, and who pulls down, and double the Generosity of your Principle, by the timeing your Honesty to their Necessity;

ceſſity; let your Compaſſion to their Misfortunes teſtify how well you merited Compaſſion in your own; and never reflect on their ill Treatment of you, if they are of the Number of your preſent Oppoſers, but heap Coles of Fire upon their Heads, by letting them ſee your Sence of Honour and Conſcience has an abſolute Dominion over your Paſſions and Reſentments; that you are Gentlemen enough to forget Injuries, and Chriſtians enough to relieve your Enemies.

Perhaps ſome may think this Labour loſt, but I cannot ask Pardon for the Digreſſion; if it moves but one Man in Ten Thouſand to act the generous and honeſt part, I am ſatisfy'd, and ſhall not think I have labour'd in vain.

But I muſt own, after all, the Advantages of this Bill ſeem to be vaſtly great and extenſive, beyond what I can touch at; on the part of the Creditor, on the part of Trade in general, and on the part of the whole Nation.

The Effect it has on the preſent Diſtreſſes of Bankrupts already inſolvent, which ſome merciful Men, Thanks be to their Ignorance, would have had omitted, are indeed conſiderable; and made ſo at this time by the unuſual Multitude of ſuch unhappy Caſes, which now lie upon the Nation.

But theſe are Trifles to what's to come, and though I am very glad to ſee the Generality of the Trading part of the People are ſenſible of it; yet I cannot but a little enter into the Particulars of it, for the Sake of thoſe who pretend to profeſs ſome Ignorance upon that Account.

1ſt. I think I may affirm, we ſhall not have ſo many Bankrupts as we had before, no not by a very great Number; and this I make plain from theſe Conſequences.

1. That the Eſtates of Bankrupts being immediately ſurrendred, and fairly divided among the Creditors, the Fall of one Man will not have the ſame fatal Effect upon others, as it formerly had, when they loſt Stock and Block; and when Dividends being poſtpon'd, and by the Knavery of Commiſſioners, perhaps wholly ſunk, the Creditor has not been able to wait, but ſinks under the Loſs. 2. Obſti-

2. Obſtinate Creditors can no longer make willing Creditors looſe their Eſtates, and force the Debtor to live upon the Stock that ſhould be divided among them; by which means Loſſes will not fall ſo heavy upon the Sufferer, which now is too often the Ruin of the Creditor as well as Debtor, and makes one follow the other to the End of the Chapter. But now all the vaſt Sums ſquander'd away in the Mint, Rules, Priſons, Commiſſions of Bankrupt, in Suits at Law, bribing of Officers, and Priſon-keepers, and the like will be honeſtly ſhar'd among the Creditors, to help ſupport them under the Loſs, which of it ſelf is often times Load enough, not to need the Addition of ſuch deſtructive Articles.

3. The fraudulent Bankrupt has his way hedg'd up; he will now find it ſo difficult to break thro' the Bars and Bolts of the Law, that where Ten ventur'd before to rob their Creditors, and contrive a Rupture, it is probable, and I hope rational to believe, ſcarce one will do it now; ſince whoever he is that will attempt to break by Deſign, has but two Doors open for him, *viz.* Perjury or Baniſhment. Now tho' there may be found a Villain ſo harden'd, ſuch an Incendiary in Trade, that to amaſs an Eſtate will venture upon God and Man, and neither values Baniſhment out of the Kingdom of *England*, no nor out of the Kingdom of Heaven; that will forſwear himſelf to ſtay, or purchaſe the Brand of Infamy, and be gone; yet all Men will allow, ſuch Difficulties, ſuch Hazards, and ſuch Conſequences attend both, that Men will not be ſo forward to venture.

He that will fly and abandon his Country and Friends, indeed has the ſafeſt Part, and may go, and even that way the Nation is well rid of him, and he can never come home again: He is baniſh'd for Life with that infamous Title of a common Thief; and if ever, *Pitkin* like, he ſhould be recovered and brought back by Force, he goes directly to the Gallows, as he deſerves.

He

He that will ſtay at home, mortgages Soul and Body to make a Reſerve, if he has any ſeparate Hopes, he muſt ſwear as thro' a 10 Inch Plank: At the ſame time he is hedg'd about with Dangers; and if he has not laid his Matters very nicely together, if either for good Will or ill Will it ſhould ever come out, he is gone, and he dyes without Benefit of Clergy: If it never comes out, he lives in a conſtant Dread of it, is a Slave to every one he has truſted; and beſides the Trifle of the Perjury, and little regarded Terror of ſomething hereafter, which ſometime or other may come upon him hand in hand with Death, there is a ſettled Uneaſineſs leaſt ſometime or other he ſhall be betrayed even by himſelf.

Will any Man doubt whether fewer Men will venture than did before. 'Tis plain, Gentlemen, now, there will be nothing to be got by breaking, but what will be had at ſuch a Price, that the Purchaſe is uot worth the Repentance: No Man in his Wits will venture; he muſt be compleatly a Villain that will go, and he muſt have Walls of Braſs about his Heart, and be fenc'd againſt all ſorts of common Terrors, that dare ſtay here; That can look Juſtice and his Creditors in the Face with a Lye, and keep a ſteady Countenance with a Load of intollerable Guilt.

That perhaps ſome ſuch Men may be found is not unlikely, but that equal Numbers of them to what were before ſhould be ſeen, is highly improbable; and were there no other Advantage to Trade from this Bill, than the leſſening the Numbers of Bankrupts, it is an Article worth all the reſt.

2. In the next Place, there will be fewer Commiſſions of Bankrupt iſſued than uſual; and, if I may gueſs right, I am of the Opinion not One to Five.

When Creditors know, that the Debtor, upon delivering his Effects upon Oath, ſhall obtain his Liberty, to what purpoſe ſhould they take out a Commiſſion? If the Debtor offers his Effects, and a voluntary Oath, and they ſee Reaſon to believe him ſincere, what Occaſion is there of the Commiſſioners?

When

When the Debtor knows, that upon a Commiſſions being taken out, he muſt come in, and ſurrender, upon Pain of Death, to what purpoſe ſhould he decline making an Oath, and honeſtly coming in at firſt?

At the Beginning of a Diſaſter, when a Tradeſ-man falls, he is generally tender, willing to be fair, open, and forward to make a free Offer; Retreats and Time, put Men upon Shiftings and Subterfuges, Mints, Rules, and the Society there, harden them in their Circumſtances: This Act takes them into its Protection at firſt, upon ſtated Terms eaſy for the Creditor, and ſafe for the Debtor, and ſecures him from falling into Hands that may debauch his Principles, and prompt him to more Evil than he underſtood before: And, I believe, no body will diſpute with me this Propoſition, That were all Debtors complyed with in the firſt Offers to their Creditors, the Creditors would have been Gainers, and the Morals of the Debtors have been better preſerv'd.

If then the Man in his firſt Sorrows is clos'd with his all, honeſtly tender'd, as frankly accepted, while the Man is ſincere, and willing to be honeſt, all Men will allow there will be no need of Commiſſions; the Charges, Dilemma's, and long Croud of Inconveniencies that attend Statutes, will be ſav'd, and even this way this Act will be a publick Benefit to Trade.

This Bill is a kind of Truce between Debtor and Creditor; the Debtor is fallen into Decay, and coming to his Creditor, as his injur'd Friend, tells him, how willing he is to make him Satisfaction to the utmoſt of his Capacity, and to give up all he has in the World to that End; and the Creditor by this Act is oblig'd to accept it: The Creditor comes to the Debtor, and tells him, "You have taken my Goods, and "now you are not able to make me Satisfaction, pray be ſo "juſt to me to make Satisfaction as far as you can, and give "me up what you have, for 'tis all mine; and by this Act he is bound to comply with him: And both theſe are conſo-

nant to the higheſt Reaſon, as well as agreeable to Humanity and Chriſtian Dealing one with another.

4. All the War of Revenge, all the Perſecutions of Malice and Fury, ruining Families for the Sake of it, all cruel Impriſonments, murthering Warrants, perpetual Confinements, Periſhings, and Starvings in Jayls and Rules, will be at an End by this Act.

The Cries of oppreſs'd Families, ſtarving by the inexorable Cruelty of mercileſs Creditors, will be heard no more among us; Debtors will be no more made deſperate by the Creditors refuſing the ſincereſt Offers, and Families obliged to live and ſpend the Stocks of their Creditors.

Above all the Grievances, both real and pretended, of Mint, Rules, Priſoners at large, Protections, and all the long roll of Law Shams, equally miſchievous both to Debtor and Creditor, will now be entirely ſunk of Courſe: The Keepers of the Priſons Warden, Marſhal, *&c.* will have no Men in their Hands, *at leaſt upon the Article of Trade*, that either can ask them any Favour, or to whom they can give any Protection. Thirty Days the Mint may skreen a Bankrupt, but after that he ſhall be demanded as a Felon, and be fetch'd even from the Horns of the Altar.

Pity and Compaſſion will now ceaſe to be a Debt to Men in Misfortune, for who would be mov'd with the Miſeries of thoſe, who, if they will be honeſt, may be ſafe and refuſe it.

Here will be no Shelterers in theſe Sanctuaries above the Law, this Act, with no other Coercive than that of Mens own Intereſt, will bring Men back; the true Sanctuary of an honeſt Man will be in the Arms of the Law: Inſtead of flying from the Law for fear of Puniſhment, he now will fly to the Law for Protection; inſtead of abſconding and hiding himſelf from his Creditors, now he will run to ſeek them out, offer them all he has as their Due, and demand his Liberty as his Right, which they have no Power to abridge him of, or deny him.

It

It remains now to attempt two things; first, to anticipate those People, who, by the Craft and Subtilty of the times, always furnish themselves with Methods to evade the Laws.

2. To direct Men who honestly design to do what this Law obliges them to, in order both to the Satisfaction of their Creditors, and their own Liberty.

As to evading this Law, I must say this to it, that I believe no Law has been lately made less subject to the Chicane and Artifice of Men of Cunning than this; though it is not without its weak part neither: I shall endeavour to examine it strictly.

1st. This I pretend to affirm for the Satisfaction of the objecting Creditor, there is not one Flaw, not one loose Place, not one Inch of Room for the Debtor to creep out by, on your Side; if he is once a Bankrupt, you have him fast, he must surrender himself, Books, Goods, and Effects, and swear they are all he has, you have left him nothing but the Cloths on his Back, not a Bed to lie on, not a Knife to cut his Bread with, nor a Penny to buy him any; and if he fails in the least Point, he lies at your Mercy for his Life.

I know 'tis objected, that the Felony part will never be put in Execution.--- I would advise no Debtor to run the Risque, especially if any of those Gentlemen happen to be their Creditors, who have so vigorously appear'd against this Bill: I cannot question, but that Creditor, that by an Escape Warrant would put his Debtor in Prison for Life, would also take away his Life, if the Law furnish'd him with Power to do it.

If there is any weak Part in this Law, 'tis I think on the Debtor's side.

1. When a Man breaks, and has surrendred all he has in the World, it seems to leave him at the Mercy of the Commissioners, whether they will believe his Oath, and whether they will certify for him to my Lord Keeper, or no.

I confeſs, I preſs'd hard in Parliament for an Amendment to this Part, and was for adding theſe Words, " *Which Cer-* " *tificate the ſaid Commiſſioners are hereby requir'd to make in* " ..... *Days after the ſaid Oath, or to ſhew Cauſe*, &c. Which Amendment was ſo reaſonable, that I doubt not it would have been agreed to by both Houſes, had there been Time for it.

But I would have no Man diſcourag'd for want of this Clauſe, for the Nature of the thing, and the true Deſign of the Clauſe join together to ſhew the Commiſſioners their Duty in this Caſe; and as the Commiſſioners of Bankrupt are but the Lord Keeper's Servants and Deputies, he is their Judge; and it ſhall not be ſufficient to a Commiſſioner to ſay to the Bankrupt, I will not certify that I do believe you, or I will not believe you, but he ſhall certify that he does, or does not, and upon his Refuſal, my Lord Keeper is too juſt not to oblige him to it.

And the Words of the Act explain this, which does not ſay, Unleſs the Commiſſioner ſhall certify that he does not doubt, but unleſs he ſhall certify that he *has no Reaſon to doubt*; ſo that the Liberty of the Bankrupt does not depend upon his *will* or *will not*, but upon the Reaſon he has for it; of which Reaſon I preſume no Commiſſioner will pretend to ſay my Lord Keeper is not the Judge.

The Commiſſioner then is to certify, or he is not; if he certifies to the Releaſe of the Debtor yet it is not deciſive, for my Lord Keeper muſt confirm it, and the Creditor ſhall be heard; what is this but making my Lord Keeper judge of the Commiſſioners Certificate, in behalf of the Creditor? *On the other Hand*, he certify in the Negative, ſhall not the Lord Keeper be Judge of his Reaſons, and the Debtor be heard, this would not be conſonant to Reaſon or Juſtice at all.

Again, if the Lord Keeper ſhall be Judge what he ſhall certify, ſhall he not be Judge whether he ought to certify at all or no? ..... Our Laws are grounded

upon

upon Reaſon; and this would be to act contrary to Reaſon, and conſequently againſt the Senſe, Intent, and Meaning of the Act it ſelf, and no Debtor need fear Relief againſt ſuch an Oppreſſion.

My Lord Chancellor, Lord Keeper, *&c.* has the abſolute Power of naming the Commiſſioners to every Statute; he that ſhould offer ſuch an apparent Partiality, and refuſe arbitrarily to certify to a Debtor's Diſcharge, or his Reaſons againſt it, muſt have very mean Thoughts of my Lord Keeper's Juſtice, if ever he expected to be truſted in a Commiſſion again, and have the Liberty of a Debtor, or the Eſtates of Creditors committed to him.

Nor can the Commiſſioners teaz the Debtor with that uſual ruinous Cavil of the Creditors, we are not ſatisfied, and you muſt make a farther Diſcovery, we believe this is not all; for here the Surrender and Oath is actually finiſh'd, before the Certificate can be demanded: The Diſcovery is perfect, or it is not; if it is not perfect, the Commiſſions know it, or they do not; if they know it, the matter of a Certificate is at an end, the Man muſt be indicted for Perjury, and die as a Felon; if they do not know it, yet they muſt certify.

But they may have Grounds to ſuſpect; theſe Suſpicions then muſt be Legal Suſpicions or Moral. A Legal Suſpicion I do not underſtand, and cannot think any thing can raiſe juſtifiable Doubts in this Caſe, but a moral Aſſurance, deficient only in Form and literal Points; and of all theſe, my Lord Keeper ſhall without queſtion be Judge.

Again, ſhould Commiſſioners refuſe or delay their Certificates in ſuch Caſes as theſe, it would quite invert the Deſign of this Act, which really is, to have Bankrupts ſurrender their Effects; and if once the Commiſſioners render the Debtor's Liberty precarious, we ſhall run back into worſe Diſaſters than we were in before: Debtors will all fly from the Terror of the firſt part of the Act, being not ſecur'd of the Mercy of the ſecond.

This

This would be, *indeed*, to make it a Law, *To baniſh Bankrupts, and their Effects, beyond Sea*, and not a Law to prevent their Frauds.

Theſe Reaſons, I hope, will be ſufficient to move the Bankrupt to ſurrender without Fear, and to let the Commiſſioners know, that to refuſe them Juſtice in this Caſe, will be but a vain Attempt to ſerve private Intereſts, and ruin the Deſign of the Act, in which perhaps they may find themſelves overrul'd by the Lord Keeper, and uſed as they deſerve.

I had ſome Thoughts here, to have anſwered the weak fooliſh Objections againſt this Act.

As that People will break the faſter for it; that they will run on to the laſt Gaſp, and being ſure upon what foot they ſhall be accepted and diſcharg'd, will ſtand as long as they can; that when broke in any tolerable Circumſtances, they were always well treated before, and the like.

That any Man will beeak *for the Sake of beginning again with* 5 per Cent. is too abſurd to need an Anſwer; that Men will be encourag'd to run *to the laſt*, is juſt arguing againſt Fact; 'tis plain, this Act takes all poſſible Care to encourage them to ſurrender *in time*, by an Encouragement of 5 *per Cent. and none*, if they do not pay 8 *s.* per *l.* 'Tis as plain, Men held out to the laſt Gaſp before, by the Terrors *of ill Uſage* they expected if they fell. As to Peoples being always kind, when Debtors offer high, there are ſuch innumerable Inſtances of the contrary that I refer them to Practice, particularly of a late Citizen and Draper, who periſh'd in Jail, and, as ſome ſay, of meer want, under the Severity of a Statute, when one Ship brought home Effects for him but a few Days after his Death, which, added to what they had before, was ſufficient to pay all his Debts, and 5 *s.* per *l.* over; and yet they were ſo far from Compaſſion to him, that they would neither ſupply him with Food, or Phyſick, but let him dye under *their Commiſſion Mercy*.

I could

I could give innumerable Instances of the like Trade Lenity, sufficient to warn Debtors from throwing themselves upon the Mercy of their Creditors; but 'tis too obvious to want any such Illustration.

The remaining Question is, What must the Debtor do now, to obtain the Justice of this Law at the Hands of his Creditors?

The Answer to this is short and direct.

1st. Be very plain, genuine, and sincere on your part, and, making no Reserves or Hesitations, give such evident Demonstrations of an untainted Integrity, that no Creditor or Commissioner, without blushing, can have the least Jealousy, or the least Shadow of Suspicion, that the worst Enemy cannot have the Face to deny you the Certificate. *There is something in Truth*, something in *Native Honesty* so just, so genuine, so natural, and so free, that even Malice it self submits to the Power of it, and Envy is asham'd to appear against it.

2. If such a Behaviour gives you no Advantage with mercenary brib'd Commissioners, and it should be your Misfortune to meet with such, depend upon it, it will stand your Friend with my Lord Keeper; *the Power of Truth* will prevail there, and Honesty will be too conspicuous not to be discern'd by a Judge so impartial, and so penetrating as his Lordship is allow'd to be, by Men of all Parties.

I know, 'tis recommended by some People to fly to politick Methods, and make, as they call it, sure Work with them; these are such as follow.

1. To those who are already Bankrupt, and who are left to their Liberty, whether they will come in or no; that they should state to the Creditors what they are able to surrender, and capitulate with them to consent to their Discharge, or not agree to the Surrender.

2. To those hereafter who are oblig'd to come in upon Pain of Death, to secure all their Effects possible at the first Rupture, and then make Conditions with the Commissioners

and

and Creditors, during the Thirty Days, which Conditions if they will accept, they are discharg'd of course; if not, they have Thirty Days to prepare to be gone in.

As to these things, I confess, if Commissioners and Creditors appear refractory and scrupulous, and refuse Men their Liberty after fair Surrenders, it will drive People to such things, and more that I could mention; and 'tis a good Caution to Commissioners and Creditors, not to trapan their Debtors into Surrenders, and then trick them into Prisons, and refuse their Discharges; and for this end I name these things.

But that which clears up the thing to me, is, To what End should the Creditors or Commissioners deny the Man his Discharge? --- If by delaying it, they could hope for farther Discovery, there was something to be said for it; but the Debtor is foreclosed in that by his Oath, and the Penalty of Felony on an imperfect Surrender.

If they can discover any thing he has reserv'd, though after the Discharge, he forfeits the Liberty they gave him, and his Life too. To what purpose then can they deny the Certificate? It must be meer naked Malice, and ungrounded Prejudice; and I believe most Commissioners will be not very forward to show themselves to my Lord Keeper in that, or to run the Risque of his Lordship's Censure.

They cannot put him off here with the Suggestion, that they do not believe him, and that he must think of a farther Discovery; for a farther Discovery is his Destruction, and lies upon them to find out, and detect him in, not for him to discover.

I cannot omit to examine here what may entitle the Bankrupt to the Honour of the Penalty of this Act, I mean the Gallows: And I think 'tis necessary to hint it, as well to warn him what will condemn him, that he may avoid it, as to prevent needless Terrors upon well meaning Men, and the needless Awe which some Creditors, I understand already, think to fix upon their Debtors, to fright them from taking the Benefit of this Act.

It

1. It is not every Error in Accompt, Miſtake in caſting up, wrong Ballance, or over or under Appraiſement of things, will bring a Man in Danger of this Act; --- but it is in Caſe of any *WILFUL OMISSION*; the Act is expreſs in that, and no Advantage can be taken where the Omiſſion does not appear wilful, and with Deſign to defraud the Creditors.--- Nor, with Submiſſion, is it the Buſineſs of the Debtor to State and Ballance his Accompts: 'Tis his Buſineſs to deliver up his Books juſt as they ſtood into the Commiſſioners Cuſtody, and they to have the Stating and Ballancing the Accompts themſelves; otherwiſe the Bankrupt Stating things in the Books may give him Opportunities to make Concealments which he could not do before.

2. Nor do any former Concealments from Creditors entitle a Bankrupt to the Penalties of this Act, provided they are fairly acknowledg'd, and laid open now; and therefore this Act ſeems to me exactly calculated to make Knaves honeſt Men, and to put an End to the former ſecret Clue of Frauds, which on both Sides, as well Creditor as Debtor, occaſion'd many an honeſt Man to loſe his Eſtate.

I do not wonder therefore to hear Men exclaim againſt this Act, who have got large Shares of the Eſtates of their Debtors in their Hands; and who by Cunning, by Force, and a hundred Pretences, have made private Bargains with Debtors, who ſign Compoſitions for a Colour, and to draw other Men in, but get private Bonds, collateral Securities, and the like, from the poor Debtor, to bring them to that Compliance. This Act will be a Day of Judgment to ſuch People, and honeſt Men will now ſee who rob'd them. Theſe Men I take to be worſe Cheats than the Bankrupt, becauſe they drive a Man into a Crime, by ſuch a Force which they know the Neceſſity of his Affairs will not ſuffer him to reſiſt. They are Thieves of other Mens Eſtates; for though they ſeek but

a juſt Debt, and that is their Excuſe; yet they prompt the poor Man to pay them, what they know is none of his own.

The Debtor, 'tis true, is equally in Debt to every Creditor ſeparately, and ought to pay them the whole; but after a Fraction, and he is unable to diſcharge the particular Obligation, he becomes then oblig'd to them all as a Body, and in Honeſty muſt not pay one more in Proportion than another; he that does is not honeſt, and he that prompts him to do it to obtain any Relaxation, or Abatement of Proſecution, is a worſe Knave than he; that Creditor that takes it wilfully, and in ſuch a manner, is an acceſſary to one of the worſt of Cheats.---- And let him be who he will, he is a Deſtroyer of other Mens Property, and a Robber of his Neighbour.

That this Act will make Abundance of ſuch Frauds as theſe publick, I make no doubt; and that the guilty muſt refund, I believe they do not doubt; and I queſtion not, but this is the principal Reaſon, why ſome People fly out againſt the Act, and againſt me for my Share in it:----- And let them rail, their Guilt makes them angry, but honeſt Men will ſhare in the Reſtitution they muſt make, and that's my Satisfaction: I take them all to be politick Thieves, and rejoice to ſee them come off ſo well, and not fare like Thieves of leſs Guilt, that die only becauſe they have the Misfortune to come within the Letter of the Law.

Let no Bankrupt therefore bluſh to own, what cruel Creditors have lain hard upon them to do, whom they have made wrong their other Creditors, to give them private Satisfaction. This Law is made not to puniſh you for the Concealment, but them for the Encroachment, and to bring them to Reſtitution, that honeſt Creditors may ſtand upon the ſame foot with them; and Compoſitions make a better Show than they uſed to do.

And

And I cannot omit here, what I purposely reserv'd to this Place, that this Act will produce this Benefit to Trade among the rest, that most Bankrupts will make better Compositions than before; and there are Abundance of Reasons to be given for it;

1. The tedious Expences of securing, and coming at the Effects will be shortned.
2. The Easiness of Concealments will be straightned, and the Occasion of them in part removed.
3. Clandestine, collateral, and seperate Agreements with Creditors, and partial, private Payments be effectually destroyed.

All which will contribute to preserve the Estate of the Bankrupt, and consequently make the Dividend the larger.

That the Division of the Bankrupt's Estate will be sooner, is a thing I need not spend time about, because 'tis apparent it must come sooner into the Hands of the Commissioners; and the Bankrupt will be always assistant to the collecting and recovering it, which, as it has been, cannot often be had.

But to return to the Danger of the Debtor in his surrendering his Effects to his Creditor.

Every forgotten Debt, which may be really owing to the Bankrupt, and which in his Accompt he may not have given in, will not expose him to the Penalty of this Act: 'Tis true, if after such Surrender, the Bankrupt should go about to receive the Money, and apply it to his private Use, or should be put in mind of such a Debt owing to him, and should not immediately discover it, he would in either of those Cases incur the Penalty, and deservedly suffer it.

I would therefore, *in this Case*, to avoid the Censure and Misconstructions of Mankind, and to remove the Opportunity and Advantages any Man *might make* of other's Infirmi-

ty; I would, *I say*, recommend to every Bankrupt, that comes in, and claimes the Benefit of this Act, under the Account of his Affairs, which he gives, *and before his Oath*, to subscribe some short Proviso like this:

" I *A. B.* do farther declare, That if there be *any Er-*
" *ror* in the said Accounts, or if any Debt due, or to
" grow due to me from any Person, *not incerted* in this
" Account, or any Goods or Effects of mine remaining
" in any Persons Hands, not mentioned and discovered
" *in this said Account*; it is not *wilfully* made, *omitted*,
" or *conceal'd*, and shall be faithfully discover'd, *recti-*
" *fy'd*, and *surrender'd*, as soon as it shall occur to my
" Knowledge and Remembrance.

I am not insensible, that Men whose Affairs are declining, are not always *the exactest People* in their Books: 'Tis a melancholy thing to be always ballancing *Accompts of Loss*; there is something unpleasant in the very Aspect of things, when *all goes to rack*; Omissions, Mistakes, and forgotten Articles are never so frequent, as when Men, knowing they are *playing a losing Game*, grow desperate, and care not which way things go; and in these Hurries it may happen, that an honest well-meaning Man may forget both a Debt or a Credit; *a great many* little Clauses may slip his Memory, and yet really design no wrong. *God forbid* Men should be hang'd *for forgetting*, while no Fraud is intended in the Design: Let such therefore not fear; the Law is not designed for a Trap to catch Men upon Advantages; Commissioners and Commissioners are not Ambuscades to surprize Men.---- I would therefore have no Man fear, in such Cases, to make an honest Discovery, nor *to come again* if afterwards he finds any thing has slipt his Memory, and honestly discover and restore it: Such a Man will meet with Encouragement,

not

not Reproach; and the Honesty of a second Discovery will be a Confirmation of the Sincerity of the First.

This Law is made to encourage *honest Men*, and to punish *Knaves*: 'Tis made to make *Knavish Debtors* deliver, and *Knavish Creditors* refund; and in this it seems to have in it all the parts of a perfect Law.

I have been told the Lawyers are hard at work to find out *some Flaws* in this Act, and studying how they may still *hamper the Debtor* after he has done all the Act requires, and is actually discharged:----- And really I would have those Gentlemen go on with their pious Endeavours; the Discovery of their Designs will only clear the way for the Parliament *another Sessions* to add such Clauses, as, *if need be*, shall farther explain and determine all the Doubts remaining, and bar all the Back-Doors and Outlets to Knavery on one Hand, and Cruelty on the other.

There may, *for ought I know*, be one publick Misfortune in this Bill; with which I shall close this Account, and, if possible, propose an equivalent.

The Mischief I speak of is, to the Manufacture of *Bumbing* and *Bullying*, which will be in great Danger of being lost, to the Ruin and impoverishing Abundance of poor industrious Families, who are now maintain'd by the laudable Employment of *Bayliffs*, Bayliffs *Followers*, *Sergeants*, *Yeomen*, *Marshal's-Men*, and all the worthy *et cetera's* of *Setters*, *Spungers*, *Appraisers*, *Brokers*, *Spunging Houses*, private *Prisons*, and the like, who now live on the Life Blood of Tradesmen, and help pull down those, that are falling fast enough of themselves.

Add to these, the Fall of Rents in the *Mint* and *Rules*, where Bills begin to be seen upon the Doors already, by the Multitude of People, who, Creditors *finding this Act will at last compel them to it*, begin to agree with, and voluntarily release;--and where in time the like Desolation may be probable to ensue, as already has happen'd in *White-Fryers*.

Jayls

Jayls will alſo be Sharers in this Diſaſter, *Waiters*, *Tenders*, *Turnkeys*, &c. will loſe their Fees; and thoſe Neſts of Cruelty and Miſery be like a Cage without a Bird.

Multitudes of laborious People, call'd *Sollicitors*, and *petty fogging Attorneys*, *Hackney-Bails*, *Affidavit-Men*, and the like, may now be in Danger to loſe their Employment, loſe the Opportunity of taking large Pay for doing *no Buſineſs*, and charging double Fees for leaving People *worſe than they find the.*

Now as as this can no way be immediately prevented, I cannot think I am able to ſay any thing more to their Conſolation than to propoſe *ſome Equivalent* to prevent the entire Ruin of ſo many *Diligent People*, and their *Dependents.*

And that this may be effectual, I ſhall divide it as I have done the People.

1. As to the Fraternity of the *Catchpoles*, I propoſe to them honeſtly, and for the Good of their Country, to aſſemble together, and make a Detatchment of Ten Thouſand able-body'd Men out of their Society, *a Number they can very well ſpare*, and offer their Service on board Her Majeſty's Fleet, to fight in Defence of the Kingdom, and make amends for the Damage they have done at Home, by ruining many Thouſand honeſt Families they might have ſav'd; and this 'tis plain, they may do, and yet leave enough of their Trade to execute all the neceſſary part of the Law.

2. As to the Attorneys, Sollicitors, *&c.* they may turn their Hands to the more Laudable Practice of picking Pockets, *according to the Letter of it*, and then in time may meet with the Reward of their *former Merit*, by a way they have often deſerv'd it.

All

All the reſt, applying to honeſt Livelihoods, may be pardon'd, and live to give God Thanks, with the reſt of the Nation, for the Bleſſing of this Act of Parliament.

FINIS.

OBSERVATIONS
ON THE
Bankrupts Bill:
Occasion'd by the
Many False Misrepresentations,
AND
Unjust Reflections,
OF
Mr. Daniel De Foe,
IN HIS
Several DISCOURSES on that Head.

Humbly offered to the Consideration of all fair Traders.

By a Well-wisher to Trade and Credit.

LONDON:
Printed for *B. Bragg*, at the *Raven* in *Pater-noster-row*. 1706.

THE PREFACE.

THE following Papers containing an Account of some Transactions relating to the Bankrupts Bill, of which the Compiler hereof has been either himself a Witness, or otherwise has had related from Hands of unquestion'd Authority, had never been made publick, if the Author of the Scandalous Club cou'd (in this Affair) have set any Bounds to his scurrilous and unjust Reflections, not only upon Particulars but Generals, as also his false and base Misrepresentation of Fact. But not contenting himself to persue such Measures whilst the Bill was depending, he still continues them, with his wonted hardness of Forehead, not only in several Reviews, but also in a late Pamphlet, intituled, Remarks on the Bill, *&c. publish'd* April 1706. *In all which (notwithstanding his great Pretences to Modesty and Veracity) he shews an extraordinary Front, as well in stigmatizing as perverting of Fact; for it appears to be an universal Maxim with our Author, to use all so who oppose his Interest and Humour, and by how much they have the advantage of him in the Justice of their Cause, by so much the more plentifully must they expect such Treatment; because as Reason and Argument fails, his Satyr and ill Nature abounds: Examples of which his Writings afford great plenty.*

Our Author hath formerly pretended to a Magazine of Original Power, and he may be allowed to have the best Pretensions of any Man in the Kingdom to one of Scandal: For though he daily dispences such large Doses, yet his Stock is inexhaustible.

For yet a little larger Furniture of his Magazine. Flourish and Sophistry are very assisting Pow'rs to him, being indeed the greatest Strength of his Eloquence; and in which, to do him Justice, he is an Arts-master, as never wanting an affluence of

gay Words to gild a weak Argument; nor indeed upon occasion a false Representation (another aiding Pow'r) to back it. For when he gives any particular Relation of Fact to strengthen any Cause he Champions for, his Narrations are generally so egregiously false, in so many several Branches of them, that the whole Story put together is little less than downright Legend and Fable.

If this Falsity in any such Relation were occasion'd purely by the Falsity of the Tradition from which he receives the Story, he is certainly either the weakest or unhappiest of Mankind, viz. *either in taking up Matter of Fact too lightly upon Trust, or otherwise in having no Body but Romancers for his Intelligencers; under either or both which last Misfortunes (if the Fault lay only there) he might be a little excusable. Credulity and Imposition being a little more Objects of Pity, might somewhat attone for the fabulous part of his Narratives. But when he cites Cases within his own Verge of Knowledge; some deplorable Tale or other of his own vouching; to set up here for a Minister of Light and Oracle of Truth, and yet to have the Cloven Foot detected, in any such wilful Prevarication and Inveracity, is so wholly impardonable (how he may pardon himself we dispute not) that if he cannot blush for himself the World ought to blush for him.*

As he grows daily more daring and insulting, and renews his old practise of Misrepresentation and Scandal, and banters and ridicules what he cannot fairly contradict nor answer, and in defiance to Truth proclaims Victoria! *Therefore least by this Front of his he should impose on the Unthinking, I shall enter the Lists with him in the defence of Truth, altho' I must own my self under Disadvantages in this Encounter, by reason this Authors peculiar Talent consists in Satyr and Scribling, and therefore is known to have a great command of Words; however I shall not concern my self at these his artificial Advantages, but shall state the Case fairly, according to Truth and Fact, and so leave it to the Judgment of all impartial Readers.*

Obser-

Obſervations on the BANKRUPTS BILL.

HAving given the Reaſons that induced the Publication of this, and now to ſhew the Unfairneſs and Unjuſtneſs of Mr. *De Foe*'s Arguments and Reflections, in his acting the part of an Advocate in this matter; it ſeems requiſite, in the firſt Place, to give a ſhort Hiſtory of the Bill from its firſt riſe in the Houſe of Commons, to its Commitment by the Lords, *viz.* The Original Cauſe and Ground of it, was that notorious Fraud of Mr. *Pitkins* and his Accomplices, which has made ſo much Noiſe in the World; for upon this, his Creditors made their application to the Parliament for ſome Remedy, to prevent the fatal Conſequences that were likely to attend Trade in general, and themſelves in particular.

Upon which, the Houſe appointed a Committee to enquire into the Caſe; who, upon a ſtrict Scrutiny into the matter, and after peruſing Mr. *Breirwoods* Books, examining of him, Mr. *Williams*, &c. they came *to the following Reſolution (Sir* Gilbert Heathcot, *Chairman) and which was reported to the Houſe, to which the Houſe agreed*, viz.

Reſolv'd, That Thomas Breirwood *has been principal Accomplice concerned with the ſaid* Thomas Pitkin, *and that* Job Williams, Michael Mills, *have been privy, Aiding and Aſſiſting to the ſaid* Pitkin, *in Contriving and Carrying on the Deſign to Cheat and Defraud his Creditors of all the Goods*

Goods bought by the ſaid Pitkin *within nine Months laſt paſt.*

The ſame Seſſions a Bill was brought in, and paſs'd by the Parliament, for the particular Benefit of *Pitkin*'s Creditors.

And at the ſame time a general Bill was likewiſe brought in, to prevent and curb ſuch like Practices for the future; but this application being made at the latter end of a Seſſion, the Parliament was diſſolv'd before any great Progreſs was made in it; and at the beginning of the next enſuing Seſſion, the ſame Bill was again brought in, read once, and adjourned for about two Months; but Mr. *Pitkin*'s Creditors, who were ſo Inſtrumental in firſt ſetting this Bill on foot, not appearing to Promote and Solicit it, and few other Traders taking notice of it, although of ſo univerſal a Concern, which verifies the Proverb, *What is every Bodies Buſineſs is no Bodies.* This Coldneſs and Neglect from more proper Hands for carrying on ſo beneficial a Bill, gave an opportunity to another Sett of Men to make their Advantage of it, under ſpecious Pretences; for it was very evident (although ſomething too late) that this laſt Sett of Promoters and Solicitors for it, were moſtly Inſolvents, as, *viz.* Mr. *De Foe*, Mr. *S——s*, Mr. *Bolt*, with many others, who, if the two firſt could but have ſet Bounds to their Deſires, and not too Projecting, and the laſt learn'd Frugality, in all probability they might not have had occaſion to crave the benefit of ſuch a Law.

Mr. *De Foe*, if we may take his own Words, was very active in this Caſe, as appears by ſeveral Paſſages in his *Remarks*, to Inſtance one, *p.* 18. wherein he ſays, " I " confeſs I preſs'd hard in Parliament for an Amendment " to this Part, and was for adding theſe Words, *viz.* " Which Certificate the ſaid Commiſſioners are hereby

" re-

" required to make in Days after the ſaid Oath, or " ſhew cauſe, *&c.* Note, this Amendment he would have added to the Lord's Amendments.

Theſe Gentlemen cannot be much blam'd for their Zeal in this matter, becauſe it was their particular Intereſt. But however, for that reaſon 'tis preſum'd they cannot be the propereſt Judges of the good or ill Conſequences of ſuch a Law; and to the ſame account (*viz.* Self-Intereſt) muſt be plac'd that unwarrantable Warmth which they expreſs'd upon this occaſion; and likewiſe Mr. *De Foe*'s many unjuſt Scandals and Miſrepreſentations of Fact, in his Advocate Part, for this Cauſe.

But what appeared moſt ſtrange, was, to find Mr. *Bo——on*, Mr. *Ec——on*, Mr. *Sm——th*, Mr. *Ru——e*, Citizens of repute, ſo warmly to appear on the ſame ſide, and to pretend to repreſent the whole Body of Traders.

'Tis obſervable the Bill had paſs'd the Commons, been read twice by the Lords, and half through the Committee, before any Traders without doors were apriz'd of its Contents, except the aforeſaid Gentlemen, who are ſuppoſed to have had as conſiderable a ſhare in the Framing as Soliciting of it.

However, if it had not been for theſe Gentlemen, 'tis preſum'd it might have remain'd a Secret until its paſſing into a Law.

For they (as there appear'd good reaſon to ſuppoſe) being Solicitous to skreen their own Conduct from future Reflections, were therefore deſirous of a conſiderable number of Citizens and Traders to Attend and Sollicit its laſt finiſhing Stroke; no doubt wiſely conſidering that ſuch an appearance would give their darling Project a much better Reputation than that of *Fleeters* and *Minters*.

For on *Saturday*, *March* 9th, the Day that it was expected the Bill would be compleated, it was obſervable the Word was given for a general Invitation to People to appear in behalf of the Bill, as if in danger of being loſt.

And at the ſame time it was cry'd up and commended after an extraordinary manner by implicit Friends, *viz.* ſuch who grounded their Opinion of it only from its Title, and the favourable Conceptions they had of the aforeſaid Gentlemen's Abilities, whom they ſuppos'd were concerned in the compoſure of it. But it ſo fell out, that all of this Number did not prove ſuch ſanguine Believers, who for their Inquiſitiveneſs and Infidelity, receiv'd a Reprimand from Mr. *Sm---th*, who declar'd to this effect, *viz.* That the Bill was the Product of 10 Years Toil and Study (Mr. *Bo——on* aſſerted much longer) ſo that none need trouble their Heads about it, care was taken to ward againſt all Inconveniences, which, inſtead of Reaſon, was given as an Anſwer to all Objections. But by the intervention of extraordinary Buſineſs the Bill (contrary to theſe Gentlemens expectations) was adjourn'd to *Monday*, *March* the 11th.

Charity and Compaſſion were made uſe of as the plauſible Topicks to juſtifie theſe Gentlemens Conduct; and great Pains was taken to induce Belief, that what they acted in this Affair was the genuine Product of a Publick Spirit; yet that ſecreſy and reſervedneſs which they ſhew'd in a matter of this nature, gave abundant cauſe to ſuſpect the contrary; and therefore to inquire into, and conſider the Contents of the Bill, (as well as the ſhortneſs of the time would permit) and upon Inſpection and Examination accordingly, as the Bill then ſtood, it appear'd plainly that it might eaſily be perverted by the deſigning Knave, and ſo prove

an

an Inlet to Fraud, under the Notion of ſuppreſſing it; and conſequently the Bill might prove the Reverſe to the Title and Preamble, and to the intent and meaning of our Legiſlators.

For which Reaſons, altho' invited to appear in its behalf, they thought themſelves obliged on the contrary; notwithſtanding ſo ſhort Warning to prepare for a Defence againſt thoſe Gentlemen who appeared as Advocates and Solicitors on the other ſide; and who by their own acknowledgements had ſo much the advantage as to time, to furniſh themſelves with Arguments; with which, after ten years Study, it could not but be ſuppoſed but they muſt be well provided. But however on *Monday March* the 11th, a conſiderable number of Traders of various Denominations (*viz.* Silkmen, Weavers, Mercers, Haberdaſhers, Drapers, *&c.* appear'd with a Petition to be heard; which their Lordſhips, according to their wonted Goodneſs, readily granted; and immediately they were called in and heard at the Lords Bar. And on the contrary appear'd Mr. *Bo——on*, Mr. *Ec——on*, Mr. *Sm——th*, and Mr. *Ru——e*; but they ſeemed deſerted by ſuch Traders (being, as 'tis ſuppoſed better informed) who accompanied them on *Saturday*, except Mr. *Defoe*, Mr. *Bolt*, Mr. *So——s*, and the reſt of the Auxil--s of the Heath--n Shore. And becauſe Mr. *Defoe*, according to his cuſtomary manner, has re-repreſented the Arguments on one ſide, (in his Reviews and Remarks) as Weak, Trivial, Faint, Abſurd, Clamorous, and under all the leſſening Epithites that can be thought of; and on the other (*viz.* his own) as ſo Reaſonable, Cogent, Unanſwerable, Innumerable, *&c.* And what not? Therefore, here it ſeems requiſite to inſert the Title and Preamble of the Bill, that to them (as a Touch-ſtone) the Reader may bring the Arguments on both ſides; and by them try and examine

which are Standard and which Courſe Allay *(viz.)* which beſt correſpond with and promote the original intent and deſign of the Bill, and which not.

And firſt the Title *(viz.) A Bill to prevent Frauds frequently committed by Bankrupts.*

Secondly, the Preamble *(viz.) Whereas many Perſons have and do become Bankrupts, not ſo much by reaſon of Loſſes, and inevitable Misfortunes, as with an intent to hinder and defraud their Creditors of their juſt Debts, Dues,* &c.

The Subſtance of what was offered by the Petitioners, *viz.* that as the Bill then ſtood it made the Debtor ſole Judge, Jewry and Evidence, in his own Cauſe.

1. Becauſe the Clauſe in relation to the Debtor's Oath, deprived and took from the Creditor a Power which has always been accounted his indubitable Right, *(viz.)* his voluntary Conſent or Diſſent in parting with or retaining his Property and Eſtate; and conſequently he has no Negative, if the Debtor has uſed him ever ſo unjuſtly

2. What the Creditor is here depriv'd of was intirely by the Bill tranſlated to and inveſted in the Inſolvant Debtor, by qualifying the latter ſolely and definatively to limit and determine the Right of the former, with his ſingle Affidavit, which is a much greater Favour and Advantage than he can pretend to from any former Law: But more eſpecially to the Fraudulent and Knaviſh, which this Bill (as by the Title and Preamble) is intended to curb and reſtrain.

3. The Creditor's Security (at leaſt as to Debts then contracted) appear'd very much diminiſhed; therefore by the Retroſpect Clauſe in the Bill, it ſeemed like an Act *Ex poſt Facto* in Criminal Matters: But if ſuch Debts only were comprehended by it, as ſhould be contracted after its taking place, leſs could be objected to it; becauſe then every Man might inform himſelf of it's contents,

and

and consequently know upon what terms he gave Credit, and so take care accordingly.

But this Precaution in Relation to such Debts as have been standing out long before the Bill was thought of, and consequently longer before the knowledge of its Contents, is wholly impractical.

4. Insolvant Debtors may be divided into 3 Kinds or Denominations, *viz.* the Honest, the hardly Honest, and the Down-right Knave.

As to the last, *viz.* the Down-right Knave, it's supposed none will presume to justify his pretentions to the favour of a Law, and therefore no occasion to take any farther notice of him.

And as to the First, *viz.* the Honest, he seems to reap little or no advantage by the Bill, because hardly or very rarely has any occasion for it. For I dare appeal to all that are but the least conversant in Trade, that few (if any) Instances can be given where a Debtor (within the Benefit of this Bill) has Failed through inevitable Losses and Misfortunes, and has comported himself as an Honest Man, by appearing fair and above-board with his Creditors, and they at the same time have not shown a suitable Compassion. And Innumerable Instances may be given of Compositions made without a Statute, or so much as the Debtors absconding or shutting up Shop, when at the same time the Offers on his part have not always been the fairest.

And by the scarcely Honest, is meant he who while in Trade and Business has good Credit, and a fair Reputation, but at last thro' Losses or decay of Trade, he finds himself declining, or really Insolvant, and not able to stand his ground, upon which he consults within himself what to do; and at last the Knave getting the ascendant of the Honest Man, perswades him to retrieve his Losses by making Breaking supply the defects of Trade; and consequently not to

truſt his Creditors, but Carve for himſelf. And according to this Advice he abſconds his Perſon, and ſecrets his Effects, ſends for a Solicitor, orders him to meet his Creditors, and gives him Inſtructions what Overtures and Propoſals to make. Suppoſe eight Shillings *per* Pound if he is able to pay ſixteen, which Propoſal (we will conclude,) the major part of the Creditors agree to, from an Obſervation very general, that the firſt Offers are commonly the beſt; but as it frequently happens in ſuch Caſes, ſome few Creditors ſtand out and refuſe to comply with the reſt, looking upon the Debtors Proceedings as unfair and unjuſt, and therefore not willing to incourage ſuch Practices; who, at the ſame time would have as readily complyed as any, and perhaps ſome of the firſt, if the Debtor had not been able to pay a quarter of what's offered, provided he had appeared above-board and candid in the Matter; and to demonſtrate his Honeſty and Integrity, had laid his Caſe fairly before them.

It may be ſaid, there are likewiſe a ſecond ſort of this kind of Inſolvant Debtors, *(viz.)* he whoſe Reputation and Credit, whilſt in Trade, *&c.* as the former, and the Cauſes of his Inſolvancy the ſame, who at the ſame time frequently draws in his Credulous Friends and Acquaintance, by Credit, Loan, or Security; or to lend him Credit by Indorſing of his Bills; or into ſuch other Ingagements as upon his failing they for their Friendſhip and Credulity are bound to ſatisfy: And moreover to do all this when they know themſelves Inſolvant, and not able to ſtand it, and perhaps intend to go off in a few days, of which many Examples may be given, *(viz.)* Mr. *H*—— in *Fleet-Street*, buying of Mr. *Wal*——*r* ſixty Pounds worth of Goods but the day before. *C*——*l B*——*n* borrowing two or three Hundred Pounds of *C*——*n W*——*ks* but three or four days before he went off.

It's granted that many Inſtances may be given, in theſe

theſe and ſuch like Caſes, wherein ſome Creditors have been ſo irritated as not to be wrought to comply as the reſt, becauſe looking upon the Debtors uſage of them (as with good Reaſon they may) very unjuſt, and perhaps a betraying of Friendſhip and mutual Confidence, and what he loſes (it may be) goes towards paying others in full, who have been Gainers in way of Trade, by the Bankrupt, or poſſibly in Conſideration of ſome future Service or Expectance, he has a Promiſe of from the Creditor ſo paid.

But at beſt the Creditor that is drawn in after the manner aforeſaid, ſtands but upon an equal foot with the reſt, altho' he never got one Penny by the Debtor, and his Debt it may be contracted but a few days before he became a Bankrupt. Whereupon it frequently happens that ſuch Creditors are ſo exaſperated that they become (to uſe Mr. *Defoes* Term) Inexorable. By which means the Debtor loſes his Aim, and his other Creditors that Compoſition he would have paid provided all had agreed: And he (the Debtor) dwindles away his Time and Eſtate in Solitude, till at laſt he has not left wherewith to ſubſiſt himſelf, much leſs to purchaſe his Liberty. But where this is the fate of Debtors, in the Caſes as aforeſaid, 'tis preſumed none can blame the Creditors that refuſed a Compliance: And therefore to deprive the Creditor intirely of his Negative, and wholly to transfer it to the Inſolvant Debtor (in ſuch Caſes) may not only give greater ſcope and incouragement to ſuch like Practices, but likewiſe to Careleſsneſs and Extravagancy: And alſo to Perſons of Covetous Tempers, to run too great Riſques with their Creditors Money.

For Inſtance, will not ſuch who are inclin'd to Careleſsneſs or Extravagancy, be incouraged to Indulge themſelves in it, when they know 'tis in their Power to oblidge

oblige the Creditors by one ſingle Affidavit, to take what is left in full payment? And may it not likewiſe prove a great Inducement to Perſons covetouſly inclin'd to run great hazzards (in hopes of large Gain) with their Creditors Mony, as into Stocks, Inſurance, and other precarious Projects; for if they ſucceed the Profit is their own; if not the Loſs is their Creditors, if an Affidavit at laſt may make good all deficiencies of this kind?

In the concluſion it was obſerved, That they who appeared as Defendants in this Cauſe, were a conſiderable number of Traders of various Denominations, notwithſtanding the ſhort notice or warning of the matter; and on the contrary they were moſt *Fleeters* and *Minters*, except a few Citizens who are allowed to be Gentlemen of Credit and Repute; and the only reaſon that could be aſſigned for their eſpouſing that Side, was, that it was preſumed they had Friends and Relations who expected to reap a Benefit by the Bill, which might reaſonably be ſuppoſed to be a Byas upon their Underſtandings; and to which Mr. *Bo——on* one of the warmeſt Champions for the Bill, reply'd to this Effect *(viz.)* That he found himſelf pointed at; it was his Misfortune to have a Brother that was an Inſolvant, but whether the Benefit of this Bill would extend to him he could not tell; His Name was *Bo——on* well known in the City by the name of Col. *Bo——on*, he was always a hearty Friend to the Government, and a great Lover of King *William*. Then in another Inſtance he gave an account of his Marrying his Daughter, how her Husband became Inſolvant by Inſurance and Loſſes in the great Wind, *&c.* Then he farther urged that Compoſitions that were agreed by the major part of the Creditors, were frequently obſtructed by the non-compliance of a few. Then he run into an Excurſion upon the decay of the Woollen Manufactures and that our Manufacturers are drove into all Foreign

Parts,

Parts, as *Scotland*, *Holland*, *Germany*, *&c.* by which means our Neighbours are taught and improved in making our Commodities. And this he would perſwade is cauſed for want of ſuch a Bill, *&c.*

After this Gentleman had done, Mr. *Ec——on* ſpoke on the ſame ſide: He likewiſe ran upon Generals, and not much different from the former. But neither of them thought fit to reply to or anſwer any of the Arguments on the other Side. This laſt Gentleman indeed told us, that ſome who after they had compounded, had throve in the World and paid twenty Shillings *per* pound.

The firſt part of Mr. *Bo——on's* diſcourſe does plainly confirm what was ſurmiſed *(viz.)* That there were Friends and Relations in the Caſe. What he ſuggeſts about Compoſitions being often obſtructed, is not denied; but the main queſtion is, where the fault truly lies. As to Debtors paying 20 Shillings *per* pound after Compoſition, it's granted ſome rare Inſtances of that kind may be, but *One ſwallow makes no Summer*, and 'tis preſumed Mr. *Ec——on* will find it as difficult a Task to ſhow numbers of theſe Preſidents, as he would to perſwade (was he to undertake it) ſome to do the like, who are ſufficiently qualified: And I dare undertake to demonſtrate, that the numbers of theſe laſt exceed the firſt without Compariſon. And therefore by the by, I ſhall take the Liberty to remind him of a certain Gentlenan, who, after a double Compoſition, lives now very great, keeps his Coach, *&c.* but is ſo far from doing what Mr. *Ec——on* indeavours ſo generally to inſinuate in favour of his Species of Inſolvants, that on the contrary he ſeems to make it his Sole ſtudy and practice to ruin and circumvent Mankind by his Frauds and Knaveries; which is all the Compenſation he has yet thought good to make his Creditors.

But ſuppoſing we allowed (for Argument ſake) every thing

Thing these two Gentlemen advance was really Fact, what relation has it to the main Question or Matters in Controversy?

And now to return to the most strenuous Advocate, give me leave Mr. *Defoe*, to tell you, you have often proclaimed the Arguments on your side, as Innumerable, Cogent, Unanswerable, *&c.* And this Sir, was thought the proper time you would open your Magazine to furnish your Friends; but contrary to the expectation of those that heard them, they appeared very much unprovided; which makes many doubt of the Store you pretended to, or that you had lost the Key of your Repository. Indeed Mr. *Bo——on*, seems to copy from your Review of *March* 9th when he asserts, our Manufacturers are drove into *Scotland*, *Holland*, *Germany*, &c.

Its granted that what this Gentleman affirms you put only by way of Interrogation, *viz.* How many ruined Tradesmen have we in *Scotland*, *Holland*, *Germany*, teaching and instructing, *&c*? 'Tis an easy Matter to put Queries, therefore its desired, Sir, in its proper time, you would oblige the World with a List of the useful Artificers and Manufacturers as return Home to take the Benefit of this Act. In your Remarks and Reviews, and particularly those of the 14th and 16th of *March* you take a great liberty (as the shortest way of answering) in reflecting upon those who could not concur with you in this Matter, and to slight and contemn their Arguments as Trivial, Insignificant, *&c.* and therefore not worth your notice. As to the slight you put upon them, I shall refer you to Fact *viz.* the Amendments made by their Lordships to the Bill, to which (with Submission it may be said) they did not a little contribute. And therefore 'twas, that their Lordships Amendments occasion'd that mighty inundation or overflowing of your Gall; which as yet appears, not to

be

be reduced within its due bounds. It was obſerved, that your Self and the reſt of thoſe Gentlemen who appeared on the ſame ſide with you, cry'd up Felony, the Penalty of the Bill, as a mighty Security to the Creditors.

Its granted Felony, in this Caſe, ſeems terrible at firſt view; but as we draw nearer to it, its not ſo frightful; and, as 'tis not to be inflicted but upon the Proof of Perjury, the terror quite vaniſhes. For inſtance, how eaſie a matter is it for a crafty and deſigning Knave, whilſt in Reputation and Buſineſs, with all the Privacy and Security imaginable, to convert any part of his Effects into *Specie*, or Bank, and to conceal it a hundred ways, making no ſecond Perſon privy to it, let any one judge. Nay I dare even appeal to the moſt ſtrenuous Advocate, your Self, if you would be Candid, as I do to Mr. *Bo——on*, Mr. *Ec——on*, &c. whether the Proof of Felony in this Caſe, be not infinitely more difficult than in Robery or Burglary? for the Watch, Paſſengers, or twenty other Accidents may contribute to diſcover the laſt, but in this Caſe, the Crafty and Deſigning have all the Advantage of privacy, opportunity, *&c.* And moreover, a Privilege of thirty days (after his becoming a Bankrupt) to abſcond, in which time he may conſider how his Affairs ſtand; and whether to ſurrender or quit the Kingdom: And if taken in attempting the laſt, within the time aforeſaid, he is intitul'd to the Benefit of the Act.

Suppoſe a Highway-man had the ſame privilege of thirty days upon the re-delivery of what he had Rob'd or Stole: *Query*, How many may we ſuppoſe, would be convicted? I farther appeal to the aforeſaid Gentlemen, whether the proof of Perjury, and conſequently Felony in this Caſe, be not impractical? And therefore whether this ſo extraordinary Lenity and Dependance upon an Oath, may not tend to the incouragement of Fraud, and

the increaſe of Perjury, in thoſe againſt whom the Bill was chiefly intended to provide?

For can it be ſuppoſed that he who deſigns and contrives a Fraud deliberately, will ſcruple an Affidavit to confirm and ſecure it to himſelf? With ſubmiſſion, Gentlemen, I think I may ſay, ſuch Practices are but too notoriouſly apparant (where Intereſt is concerned) to all that are but the leaſt converſant with Mankind. And for Inſtance, I think I need go no farther than *Pitkin*'s Caſe, which affords ſeveral notorious Ones. For can it be ſuppoſed that Mr. *Br——d* would have undertaken a Compoſition of eight Shillings and ſix Pence *per* Pound for all *Pitkin*'s Debts, if he had no Effects of his in poſſeſſion, as he declared before the Commiſſioners upon Oath he had not?

Again Gentlemen, may not every crafty and deſigning Knave, that can but take the liberty with his Conſcience, defraud his Creditors even by authority of Law, his Oath having the ſame Sanction as the Honeſt? And therefore, will not this injure the honeſt Creditor, and give the advantage wholly to the Knaviſh Debtor? Becauſe the nature of Trade is ſuch, that the firſt muſt inevitably be expoſed to the Perjury, and conſequently to the Fraud of the laſt? for Example, none can be ſuppoſed to have Credit, and at the ſame time be known to intend a Cheat; and by ſuch time as the Creditors can be apprized of it, he may have an opportunity to fix matters ſo that 'tis out of their Power to detect him; As *Pitkin*'s Caſe is a Demonſtration. So that we may lull our ſelves into an eaſie ſecurity, and fancy the word *Felony* ſufficient to deter Men from ſuch Practices, when at the ſame time it ſeems to be in every ones Power to chuſe whether he ever will be convicted; by which means the honeſt Trader is expoſed and defenſeleſs,

This was taken notice of to be the common Subterfuge, *viz.*

viz. That no Law could be compleat, nor no fence againſt a Knave; but becauſe Houſes may and are ſometimes broke open, notwithſtanding Care taken to lock and bolt the Dores *&c.* yet what a Sophiſter ſhould we take him to be, who for that reaſon ſhould go about to perſwade People to go to Bed with their Doors open or unlock'd, *&c.*

And moreover, Gentlemen, Charity, Compaſſion, and publick Good, were what you gave out as the ſpecious Inducements for your ſo warmly eſpouſing this Matter, and yet none can have any Benefit by the Bill, but they whoſe Debts at leaſt amount to a Hundred Pound, ſo that all ſmall Inſolvants as Manufacturers, Labourers, *&c.* are excluded, whoſe Caſes are commonly hardeſt and moſt numerous; and whoſe Debts are moſtly contracted for meer Neceſſaries. Wherefore they who will be chiefly benefited by this Bill, are ſuch who have bought or borrowed conſiderable Quantities of Goods or Sums of Mony, when they knew themſelves Inſolvant and not able to pay; or thoſe that by running into extravagant Projects or Expences (as Mr. *S——s*, Mr. *Bo——t*, *&c.*) by which they not only ruin themſelves, but at the ſame time injure, if not ruin many others, and too often the Widow and Orphan.

I would ask theſe Gentlemen, whether Trade hath not ſuffered more from theſe Practices, *viz.* Projects, Inſurances, *&c.* than from Cards, Dice, *&c.* and conſequently why not at leaſt as requiſite to provide againſt the former, by an Exception, as the latter?

But now more eſpecially lets obſerve the mighty Advocate and Champion in Print, Mr. *De Foe*, acting his part; in which he is firm and ſtaunch to his cuſtomary Methods, of which I ſhall give ſome Inſtances. And in the firſt Place ſhall ſhow how he, *Lilborne* like, contradicts himſelf, for upon the Amendments made to the Bill, Review, *March* 16th, he ſays, *I am ſorry, Gentlemen, I*

muſt ſay that as this Law has the misfortune to be now alter'd, for I cannot call it amended, no honeſt Debtor can be the better for it, any more than he can without it. That the whole Benefit is taken away from the Bankrupt; or left ſo precarious that it can be no Incouragement for any Man to be honeſt; nor can I ſee how it is adviſable to lay hold of it. And he farther ſays, *p.* 31. *I am perſwaded the honeſteſt Man in* England, *when by neceſſity he is obliged to break, will early fly out of the Kingdom, rather than ſubmit upon theſe Terms; and I cannot find room to call him a Knave.* Ibid, he ſays, *I repeat it if ever this Act ſhould be paſs'd, no Bankrupt in his Wits will ever come in. And it may very well bear the Title of an Act, for Baniſhing Bankrupts with their Eſtates and Effects, into foreign Parts.* But altho' he here exclaims ſo vehemently againſt the Amendments, as if able to make out his Opinion to demonſtration; yet immediately upon the paſſing the Bill, and withthoſe very individual Amendments with which he has juſt found ſo much fault; I ſay, to blow hot and cold preſantly, change his Note, and contradict without bluſhing what he had juſt before ſo poſitively advanc'd, and ſays, in Reveiw *March* 23d, *I have the ſatisfaction to tell the World the Act,* &c. *is paſſed, that the Title is more deficient than the Bill.* (Ibid) *He allows it to be one of the beſt Bills that ever was produced in Parliament ſince the* Habeas Corpus *Act. Again, he ſays, were I to frame its Title, I ſhould have called it,* An Act to prevent the Frauds frequently committed by Bankrupts, and their Creditors; *for I think 'tis very apparent, that the Frauds of Creditors and Commiſſioners ſet againſt thoſe of the Bankrupt-Debtors, are ſo paralel to each other, that I know not which ſtood moſt in need of an Act of Parliament to rectifie them; and 'tis my hopes in the preſent Bill it will prove an effectual remedy for both. Review* March 26th, *He congratulates the Debtor in his deliverance (as he is pleaſed to term it) from the Hands of Cruelty; That now the Creditor ſhall no more have the Blood out of his Veins, the*

Mar-

Marrow out of his Bones, nor Bury him alive, nor Murther him to gratify his Revenge, &c. In his Remarks page 16. in commendation of the Act, he farther says, " All the " War of Revenge, all the Persecutions of Malice and " Fury, ruining of Families for the sake of it, all cruel " Imprisonments, Murthering, Warrants, perpetual " Confinements, Perishings, Starvings in Jails and Rules, " will be at an end, by this Act: The Cries of Oppressed " Families starving by the Inexorable Cruelty of Mer- " cileſs Creditors, will be heard no more, *&c.*

The Contradiction of these Assertions are so obvious, that at present I shall leave the Reader to make his own Remarks on them, and proceed to give some Examples of the many unjust Reflections, as well particular as general, which this florid Advocate has recourse to, and for which I shall go no farther than his Reviews of *March* 14th and 16th for a Specimen; wherein 'tis observable that he lays about him like a Fury, and acts both the part of a Billingsgate and Bully, for instead of fairly answering what was offered by several Traders at the Lords Bar, he (according to Custom) has recourse to Calumny and defamation, and charges them *as a Weak, Furious, Unmerciful, Unconcionable set of Men.* " Again, as Stock-jobbers; and " then taxes their Honesty; and that they imposed For- " geries upon that Honourable Assembly, which they " ought to blush for, and that what they offered was more " like Clamour than Reason, *&c.* But more particularly in his Review of *March* 14th, he (in a most Pedantick and Pedagoguish manner) takes Mr. *Walker* to Task, " Taxes " him with imposing upon their Lordships, and assures " him the part he acted there, which besides its other Ti- " tles, has one (behold his transcendant Modesty!) he " cares not to name; and in a sort of Bullying manner " tells him he shall take particular care to detect him in " the Case of the *Covent-Garden* Draper. I dare say Mr.

Walker

Walker is able to make good to a Tittle what he there ſaid; and if it was not an Affront to take this Author at his word, I would challenge him to perform his promiſe, or retract.

But for a more *home* Charge, Review *March* 14th, he ſays, " But if theſe Gentlemen were to have had the " Ghoſts of thoſe poor Men that with their Families have " periſhed under their mercileſs Hands, appeared againſt " them, *&c.* they would not have dared to have mention- " ed their mercy to Debtors, of which thouſands of Fa- " milies are now witneſſing with the Text, *That the ten- " der mercies of Engliſh Creditors are Cruelties.*

This Charge is univerſal, but it ſeems calculated by Mr. *De Foe* only to amuſe and ſurprize, and to ſhow ſome florid Strains of his Eloquence, and a ſample of his Sophiſtry, but they may be fitly compared to a Sound or an Eccho *Vox & præterea nihil*; becauſe they have neither Weight nor Subſtance, but are meerly ſuperficial, and ſerve ſo plainly to diſcover his Cobweb Pretences, that it ſeems to as little purpoſe to vouchſafe 'em a particular Anſwer, as our mungril *Sharper's* barking and ſpending his Lungs at the ſound or Ringing of the Bells.

But before I quit this Head, I cannot well omit taking notice of one Inſtance more, 'tis ſo extraordinary, when he ſays in *Review* laſt mentioned, " I confeſs I could not " but be ſorry to ſee ſome Gentlemen there who but few " Months ago were ſo very near, and ſome in the condi- " tion of Bankrupts themſelves, who having been for- " given the ten thouſand Tallants, were for taking their " Neighbours by the Throat: Theſe Men certainly had " no buſineſs there, unleſs it was to be brought as In- " ſtances, that where the Lenity of the Creditor will " permit, Men fall into Trade again, and recover, *which " is the very thing we are upon.* Surely if this Gentleman's Choller and Paſſion had not drowned his Reaſon, he would

would not have made this Obſervation, much leſs have thrown out ſuch Ungentleman-like and Diſingenious Invectives upon Perſons, (for if he has any meaning in what he here advances, 'tis well known who he Points at) who have lately been ſuch conſiderable Sufferers by the Fraudulent Contrivances of a Sett of Unconſcionable Men: And therefore, with ſubmiſſion to his greater Judgment, as well as Honeſty, why might not they appear there, without incurring ſuch Treatment from his Pantile Highneſs? And ſince he aſſumes ſuch an unbounded Liberty without regard to Juſtice or Truth, to aſperſe whom he pleaſes, I ſhall not only preſume to tell him, but likewiſe to prove it, that theſe Gentlemen whom he aſperſes, had a more juſtifiable, and a more Honourable Call to that Place, than himſelf. Firſt, becauſe they had no ſmall ſhare in cauſing the Bill to be ſet on foot. Secondly, becauſe it may be ſaid, they had a greater Property in the Bill than others, (not excepting himſelf) by reaſon that Experiment of conſummate Knavery was very much at their Coſt, which firſt convinc'd our Legiſlators of the neceſſity of a Law to reſtrain it. Thirdly, as they had been great Sufferers by the Practices aforeſaid, had they not all the reaſon in the World to concern themſelves, that the Law ſhould not be relax'd in their Favour? And I wiſh I could ſay, the Concern Mr. *De Foe* has ſhewn upon this account, was grounded upon as juſt and honourable Pretentions, as the Gentlemen he ſo baſely traduces: And if their Creditors have been kind to them, does it not plainly confirm what has been heretofore laid down, (tho' he is pleas'd ſo diſingenuouſly to deny it) that they are rarely otherwiſe to proper Objects?

Note, This Inſtance of his own producing, if taken fairly, turns ſtrong upon him in all its Conſequences. His ſtrained and unfair application of this matter would afford

ford a large Field for Reflections; but they are so plain and obvious, that it would be calling in question the Judgment of the Reader to set about it.

And now to give a Sample of such general Instances, for which this Gentleman is, no doubt, extreamly beholden to a fertile Brain for their Production; for in *Review*, *March* 26. he tells, " of a certain Gentleman that would " lose all his Debt, and add 100 *l.* to it, that he might " have leave to take the Debtors Heart out, and broil- " ing it on a Grid-Iron, might eat it for his Break- " fast.

And immediately following this *Cannibal* Story, he obliges the World with three Black Letter'd Gentlemen, *viz.* Mr. *H*——, Mr. *S*—— and Mr. *T*——, who were (if we may take his Word for't) famous, (or rarather infamous) for their revengeful Expressions and cruel Behaviour towards their Debtors, though near Relations, *&c.* So much for a Specimen of his Generals.

'Tis suppos'd these Instances are calculated for the Meridian of their Faith and Understanding, who can credit the following Story, *viz.*

A Grayhound, worn out by Age, and so Hide-bound he cou'd scarely go or stand; but by being hang'd a little, and stripp'd of his Doublet by a light-handed Countryman, it so refresh'd and invigorated him (I had almost said *illuminated*) that he immediately starts up, and trips much more nimbly than before the Operation; but (the pity on't was) it's not known whether he could catch a Hair, because a Fellow (more Barbarous than *Whitny* that Murther'd the Horses) with two Instruments of Cruelty, a Faggot-stick and a Coach-Wheel, knock'd him on the Head. *Probatum est*, Attested, *in Verbo*,

Roger Sharper.

And

And now to give some Samples of his Partiality in representing and applying of Fact. The first Instance of this kind that offers it self, is in the Case of Mr. *Pitkin*, whom this Gentleman would perswade the World to believe that that notorious Fraud which he (*viz. Pitkin*) was lately concerned in, was intirely contrived and managed by *Pitkin*, and that the method of that Capital Fraud was *Pitkin*'s, wholly his own, Framed immediately between the *D——l* and himself. And (as he would insinuate) the World ran away with a mistaken Notion, in believing *Pitkin* to be the Instrument of another Man's Project, or that this other Man had inriched himself while *Pitkin* was exposed to Banishment, *&c.* But that this Gentleman, (if we may Credit this Author) was meerly hook'd in to bear some of the Scandal, as the Creditors were of the Loss, by the meer Genuine Delusion of a Penny to be got, *&c.* by which he would insinuate his Cliant having a long Purse at command, assisted *Pitkin* at a pinch, for which he had only Goods of *Pitkin* a Pennyworth, or such other Considerations as any other Trader might and would expect. The Reader may see this Relation more at large in *Review*, *Feb.* 23d.

This Advocate has shown his Tallant in varnishing over this Matter, but notwithstanding he would perswade us he is very impartial and unbiassed, and that he shall be ready to alter his Opinion upon better Illuminations; but that he flatters himself what he has delivered in this Case is very easie to be proved and made out: I say, notwithstanding these plausible Pretences, none that are apprized of the Matter can be of his Opinion. And some doubt whether what he says be really his own Sentiments, because *Pitkin*'s Case was so extraordinary, that the Fame of it has not only Spread it self over this Kingdom, but extended into Foreign Parts; Where-

fore 'tis much wondered how a Perſon of ſuch vaſt Correſpondence as he pretends to, can be Ignorant of it. The Parliament likewiſe, for its Flagrancy, taking Cognizance of it; and upon ſtrict Scrutiny into the Matter, ſeverely cenſuring the Gentleman he here vindicates.

I ſay, for theſe and many other Reaſons, his undertaking this Task, was much wonder'd at; and it put many upon gueſſing at his Motives or Inducements: Some ſaid one thing, ſome another; and thoſe that were willing to put the beſt Conſtruction upon this Act of his, were much puzled to excuſe it. And the moſt plauſible Excuſes that could be offered in his Favour, were, the badneſs of his Memory (a defect incident to great Wits) or his Ignorance of the true ſtate of the Caſe.

But this laſt (upon mature Conſideration) was thought impoſſible to one of his univerſal Intelligence; ſo that upon the whole, the badneſs of his Memory was the only colourable Excuſe that remained in his Favour.

And if this Error of his muſt be placed to ſome ſurprizing Defect, as aforeſaid, I ſhall crave leave to remind him of a few Particulars, but whether they may prove to this Gentleman thoſe *obliging Illuminations* as to make him alter his Opinion (mentioned in *Review* of *February* 23d) I will not be poſitive, but doubt not of their effect upon every impartial Reader.

Firſt, I wou'd remind him of the Sentiments of the Parliament upon this Head.

Secondly, That his Cliant was the laſt in *Pitkin*'s Company (at the *Swan Tavern)* that *Saturday* he abſconded, and went for *Scotland*.

Thirdly, That *Pitkin*'s Guard *de Corps* that attended him to *Scotland*, and *Holland*, was of his Cliant's procuring

Fourthly,

Fourthly, That conſiderable Quantities of Goods were bought by *Pitkin*, and ſent directly to his Clyants, and not the leaſt Account or Notice taken of them in *Pitkin*'s Books at Home; for which reaſon they are ſuppos'd to be Partners.

Fifthly, That his Cliant was to have met *Pitkin* on *Sunday*, the Day after he abſconded (if I forget not) at *Hatfield*, but upon ſecond Thoughts ſent his Man with a Letter.

Sixthly, That a Letter was intercepted by the Creditors, wherein *Pitkin* writes to his Cliant for (as I take it) 100 *l.* to be remitted him to *Holland*; but being diſappointed by this Accident, *Pitkin*, when taken by Mr. *Lucy*, had but little left to ſubſiſt himſelf.

Seventhly, That the *Sunday* after *Pitkin*'s abſconding, Mr. *J*—— *Will*——*s* meeting one of the Creditors (from whom I had this Account) told him how that *Pitkin* was withdrawn, and at the ſame time exclaim'd mightily againſt his Cliants acting in the Caſe, and made an Offer of ſerving the Creditors, provided he and *M*—— *M*——*es* might have 30 *per Cent.* for what they ſhould diſcover of *Pitkin*'s Effects. But it not being in this Creditor's Power to make any ſuch Agreement, this Gentleman, for Reaſons beſt known to himſelf (before the Commiſſioners) gave in Evidence to the contrary. But notwithſtanding, upon *Pitkin*'s being brought from *Holland*, his Cliant has agreed to pay 8 *s.* 6 *d. per* Pound for all his Debts.

Eighthly, and laſtly, I recommend to this Gentleman, as a Recipe to help a defective Memory, the peruſal of his *Review* of *January* 12th, out of which, for the Reader's Information, I ſhall tranſcribe a few Lines, *viz.*

" I am loath to make Reflections upon a late Diſaſter, " *&c.* becauſe alſo I have ſome Reaſon to believe the " Fool, *(viz. Pitkin)* that acted that open Cheat, not

" more Criminal than the Agent that impoſed upon and " employed him.

I think (with ſubmiſſion to the Judgment of the Reader) nothing can be more oppoſite than what this Gentleman ſays in this *Review*, and that of *February* 23d, and yet in this laſt, he delivers himſelf with that aſſuming Air, as if he had the Vanity to expect that his bare aſſerting his own Impartiality, ſhould command Credit to what he delivers, without being under the leaſt Obligation to declare what were thoſe powerful Reaſons (or as he Phraſes it) *Illuminations*, that *obliged* him to alter his Opinion, and thus groſly to contradict himſelf.

I could produce many more Inſtances of this Nature, beſides what *Pitkin* himſelf has declar'd, but preſume what is already offered ſufficient to demonſtrate his Error in vindicating this Gentleman.

Only by the by, give me leave to inform him that *Pitkin* is known to be a fit Tool or Inſtrument to be imployed in ſuch a matter; but at the ſame time is as well known, to be very uncapable of the contriving and managing Part. And on the other Hand, none that know the natural Subtilty and Genius of his Cliant's can much wonder at the part he acted here; for his prompt and ready Wit (this way) ſhowing it ſelf betimes.

As for Example, his artful management (to ſay no worſe) of his Uncle, with whom he was an Apprentice.

His Breaking after his being a little time Set up, and compounding with his Creditors; and afterwards his bringing them to Compound for the firſt Compoſition.

His Supl——ing his Father of an Eſtate, by procuring the Writings after an extraordinary manner, of which his Father complains to his Uncle; who, to vindicate his Father, commences a Suit at Law with him: In which

which, after a conſiderable expence of Time and Money on both ſides, he cunningly Wheedles his Father into a Compliance, and ſo leaves his Uncle in the Lurch.

A ſecond Inſtance of Mr. *De Foe*'s Candor in repreſenting of Fact, is in his Relation of the *Covent Garden* Draper, calculated for the Day he expected the Bill would be finiſhed; which may be ſeen at large in *Review*, *March* 9th, wherein, to back his aſſertions of the Cruelty of Creditors with an Example, and conſequently to make what he then was ſo warmly pleading for, look plauſible, he puts the aforeſaid Draper's Caſe in very aggravating Terms: So by his Account of the Matter, he (the Draper) was very unjuſtly and unmercifully dealt with by his Creditors, and particularly by Mr. *Hunter*, whom he ſtigmatizes as Voracious, Furious, *&c.* whereas the Truth of the Caſe is, in ſhort, thus.

Mr. *Hunter*, leaving *Covent-Garden*, lets one Mr. *Paulet*, that was his Man, his Houſe and Shop, and gives him Credit for near a Thouſand Pounds in Goods; upon which he has conſiderable Credit given him by others, who after ſome time (as is ſuppoſed by ill Advice) Mr. *De Foes* Draper frames a Deſign (I do not ſay to defraud his Creditors) to move his Goods into the *Mint*, or ſecret them elſewhere. And in order to that, has them pack'd up; and ſeveral of the Black-Guard of *Alſatia* are beſpoke to come in the Night to aſſiſt in conveying them away. But this Deſign was accidentally fruſtrated by Mr. *Hunter*, who having a Note of Mr. *Paulet*'s, which he had given out in payment, and it not being complied with, Mr. *Hunter* takes back the Note, and pays the Mony for it; and out of reſpect to Mr. *Paulet*'s Credit determined to exchange it for one of a freſher date, before he gave it out a Second time. And accordingly with that intent, calls at Mr. *Paulet*'s that very Night

Night the Goods were intended to be removed; he was very much surprized to find them in that order and inquires the Reason; and was informed by one of the Servants. Upon which finding Mr. *Paulet*, he expostulates the Case with him, and indeavours to dissuade him from his intentions; and at the same time promises him all Friendly Assistance. But all in vain! Mr. *Paulet* having some Advisers whose Counsel had too great an ascendant over him. Which Mr. *Hunter* with one more perceiving, found means to get Possession of the Shop; and about Midnight the Black-Guard came with a Constable and Smith to force open the Door; but being acquainted with the Nature of the Case by Mr. *Hunter*, from within, the Smith desisted, and the Constable procured some others to assist him, and kept Watch at the Shop Door all Night, to prevent disturbance. By gaining this time, the rest of the Creditors were acquainted and had an opportunity to meet; and notwithstanding what had passed Mr. *Paulet* had better Terms offered than in Reason he could expect. But he refusing to come to any Compliance but by Law, still adhering to their Advice who first put him upon this Matter, obliged the Creditors, for their own Security, to take out a Statute. And I am informed by one of the Creditors, that this Bankrupts Estate will not amount to fifteen Shillings *per* Pound, and that he set up wholly upon Credit. So that after all Mr. *De Foe*'s Clamour upon this Head, he is at worst but in *Statu quo*; and is, or was lately, a Journy-Man in *Southwark*, altho' the Creditors will be considerable Losers by him.

The third and last Example I shall give this of Gentleman's Partiality in this Cause, is from his Remarks upon the Bill, page 20. which take in his own Words, *viz.*

" As to Peoples being always kind when Debtors " offer high, there are such innumerable Instances to the con-

" contrary, that I refer them to practice; particularly " of a late Citizen and Draper, who periſhed in Jail, and " as ſome ſay of meer want under the Severity of a " Statute, when one Ship brought home Effects for him " but a few Days after his Death, which added to what " they had before, was ſufficient to pay all his Debts " and five Shillings *per* Pound over. And yet they were " ſo far from Compaſſion to him, that they would nei- " ther ſupply him with Food nor Phyſick, but let him die " undes their Commiſſion-mercy. I could give innume- " rable Inſtances of the like Trade-lenity ſufficient to " warn Debtors *from throwing themſelves upon the Mercy of* " *their Creditors, but 'tis too obvious to want any ſuch Il-* " *luſtration.*

This Citizen and Draper whoſe Caſe is here repreſented, or rather (according to this Authors Cuſtom) miſrepreſented, is well known, to be that of Mr. *Blakely* Linen-Draper, late of St. *Laurence Lane*, whoſe Caſe indeed was moſt Deplorable in a double reſpect, for the Indiſpoſition of his Mind as well as misfortune in his Eſtate. For this unfortunate Man, being by a Scandalous Author (ſome time paſt) put into as Scandalous a Club, and by a baſe and ſcandalous Character, therein publiſhed to the World of him, (he wanting his Accuſers ſtock of Impudence) was not only injured in his Reputation and Credit, but depraved in his Intellects; which laſt was apparent, as well by his Converſation, as in the management of his Affairs.

'Twas from this Original Cauſe follow'd the whole ſubſequent Train of his Calamities, ending not only in the utter Ruins of his Fortunes, but the Loſs of his Life too.

For firſt out of a too tender Senſe of wounded Honour from this Stab into his Reputation, from a publick Pamphleteer (as his whole Neighbourhood and Acquaintance

can

can atteſt) he reſented the Indignity and Affront ſo highly that he neglected even the more important Care of his Affairs, not only by running into all Companies to exclaim againſt this inſolent Barbarity; but likewiſe by that incedateneſs of Thought and Mind, that diſturbed his whole Application, and Management of Buſineſs, contracting by Degrees a growing Delirium from the vehemence of his Agony on this occaſion.

'Tis true it had been much happier for him if he had not took it ſo much to Heart as he did; but on the contrary had more rationally conſidered from what Dagger-hand he received the Stab, and conſequently not to have laid ſo weighty a ſtreſs upon a piece of Forgery and Calumny, thrown upon him, only from a miſcreant Scribler, that upon the leaſt wild ſtart of Paſſion, whether the furtheſt or ſhorteſt way, runs a muck at all Mankind.

The Scandal it ſelf (for Calumny and Detraction though never ſo undeſerv'd have often too fatal Conſequences, the Injuſtice or Forgery of it being not diſcovered by all Eyes,) had a very unhappy Effect upon him, by creating of Jealouſies among his Dealers, and ſo far ſinking his Publick Credit, as to cauſe a great run upon him for Mony, on which occaſion he paid away many thouſand Pounds in a very ſhort time, his natural Integrity and Honeſty inclining him to do Juſtice to all Mankind. After this, when he had run himſelf down to the very loweſt Drain, it happened that an Extent was brought againſt him for about 440 Pound, although he had Effects to a very conſiderable Value abroad in the *Weſt Indies* yet he could not readily at home raiſe wherewithal to anſwer that demand.

Upon which being committed to *Wood-ſtreet* Compter, he by this addition of Misfortunes, became almoſt a downright Lunatick. Hereupon his Creditors met to con-

consult what was requisite to be done, not only for securing their respective Debts, but likewise for the poor Mans Enlargement; as how to extricate him out of his Troubles, and to take Care of him. To which end it was requisite to take out a Statute to entitle them to his Effects, as they should arrive; which as soon as they compleated, and settled some other Matters, Mr. *Ve——r*, one of the Assignees, advanced the Mony, and paid off the Extent. Upon this deliverance of the poor Man from the *Compter*, purely the Act of his Creditors, his miserable Condition requiring a yet farther Christian Care from their Hands, his Distemper being then grown to a dangerous Height, they sent him (as the propereſt Expedient for help for him) to an Apothecaries upon *Snow-Hill*, where notwithstanding all humane Applications and Endeavours, it pleased God that in a very short time he died.

Now Reader to addres my self to your Judgment in this whole Matter. This being the true Case fairly Stated, you are desired to consider how many insolent Falsities this true Relation of Fact throws in the Face of Mr. *De Foes* Authority and Honesty. First, not so much to insist on the arrogant Style in which he dresses his own Narration of it, and the Assurances with which he delivers it, 'tis worth our serious thought to reflect, that after his bold Assertion in his Remarks on the Bankrupts Bill, where he declares he could recite innumerable Instances of the Cruelty of Creditors, he should be unhappily reduced to the necessity of instancing this single Case, out of so many hundreds ready at hand; a Case that so nearly toucht himself; that unless he either believed that he walked in Clouds to all Mankind, as to put it beyond their Power to discover the least Spot of his own: Or else that he had gain'd that Ascendant over the World, to have his own

infernal Oracles received with ſo ſtrong an implicite Faith even, for Divine Illuminations, as to be able to ſet up a Devil of his own ſo Painted into an Angel of Light, as to defy all danger of detecting the Impoſture. In ſhort, in oppoſition to the moſt Evident and Demonſtrable proof to the contrary, even every part of his Aſſertion is diametrically oppoſite to this unfortunate Man's true Caſe. For inſtance in every individual particular. Inſtead of being thrown into Priſon by the Statute, as this Advocate would inſinuate, he was only committed there by the Extent; that ſo far from being the Act of his Creditors, that (as I have unqueſtionable Information) he was frequently viſited there by them, and furniſht plentifully by their Care and Proviſion with all things neceſſary, of which I have ſeen the Account of the Expence; which ſo notoriouſly confronts what this Advocate advances for Truth, *viz.* That they would neither ſupply him with Food nor Phyſick, but ſuffered him to periſh in Jail for meer want, Dying there under Commiſſion-mercy, as he calls it; when on the contrary there was neither wanting on their parts either Compaſſion or Care to relieve and aſſiſt him in all his neceſſities, by ſupporting him both in Goal, and delivering him out of it. 'Tis true, when they had committed him in his unhealthy Condition into a proper Houſe of Nurſery and Surgery, for his Recovery, his Creditors Fault, if any, was only this, that it was not in their Power, againſt the Decrees of Providence, to ſave his Life.

This Advocates farther Aſſertion that this Gentlemans Eſtate amounted to 25 Shillings in the Pound immediately upon his Death, is all of a piece with the reſt, the Creditors being ready to make out that it has not yet amounted to half that Mony.

And

And laſtly to look up (or rather look down) to Mr. *De Foes* part acted in this calamitous Hiſtory, if the Author of the ſcandalous Club, among his other general Intelligence, has arrived to a ſence of Conſcience, what Remorſe muſt he feel for what he has contributed to this Mans Diſtemper, and conſequently to his other Misfortunes? In fine, take his own whole Narrative of this poor Mans Caſe, he may not only be compared, but as to Aſſurance he may be ſaid to excel that Aſſaſſine, who when he had Murthered a Man, put the bloody Knife with which he did the Fact into the pocket of one he found aſleep, and then was the firſt that cried out for the Revenge of Innocent Blood againſt him, being himſelf his only Accuſer for the Murther. And therefore ſince this Gentleman frequently takes ſo unwarrantable a Liberty in expoſing all who ſtand in his way, 'tis preſumed I might here, without offence, take the Freedom to give the World his juſt Character.

Of his Fame and Reputation in *Freeman's Yard* in *Cornhill*; of his Chouſing (as I am Credibly inform'd) Mr. Debuty C——, three ſeveral times, *&c.* and how he has run through the three Degrees of Compariſon, *Pos*, as a *Hoſier*; *Compar.* as a *Civet-Cat Merchant*; and *Super.* as a *Pantile Merchant*. How punctual to his Word and Contract with his Bookſellers and Printers; what was proved againſt him by his own Servant before the Commiſſioners; and how he has uſed ſome of his own indigent Creditors, *&c.* although he pretends to be a diſpoſer of other Mens Charity. But at preſent I ſhall not expoſe his Nudities of this kind, but admoniſh him (altho' late) to take this *Advice*, viz. *Let him that is without fault caſt the firſt Stone.* To which, if he could be perſwaded to pay the leaſt deference, he neither could nor would be ſo prompt publickly to

blaſt the Reputation of his Neighbour upon every occaſion, though in a Caſe ſuppoſe that was fact, much leſs would he attempt it upon every invidious and trifling Information, or have recourſe to Fiction and Forgery, to ſerve ſiniſter and by Ends. For upon a full view of this Gentleman's management of this Argument, one that knew nothing of the Matter, muſt undoubtedly be inclin'd to believe, that the firſt Cauſe and Ground of the Bill is the very reverſe to what it really was; and that inſtead of a notorious Example of the Debtors Fraud and Knavery giving birth to it, it was rather cauſed by ſome very unwarrantable Acts of *Barbarity* and *Cruelty* of the Creditors. And by what this Advocate ſo very confidently advances, one could not expect but that the Title and Preamble of the Bill ſhould import the ſame thing; for in Review, *March* 16th, he expreſſes himſelf in theſe very Words following, " I thought once the Diſcourſe of a Bill to be " brought in to reſtrain the *Fury* and *Brutality* of un- " reaſonable Men called Creditors, had been grounded " on ſo much Reaſon, Juſtice and Truth, *&c.* More Examples of this kind might be produced; but who could read this, that was ignorant of the Caſe, and in the leaſt ſuppoſe the Debtor to be the Aggreſſor? and throughout his whole Diſcourſe upon this Subject, he ſeems to dip his Pen in *Vinegar* and Gall almoſt in every Page, brands Creditors with theſe (and ſuch like) Epithites, as *Revengeful*, *Furious*, *Mercileſs*, *Inexorable*, *Brutal*, &c. Vide *Remarks*, page 16. And has been heretofore ſhewn, he pretends to abound with multitudes of Examples to juſtify his Characterizing them after ſo infamous a manner. But on the contrary to ſhow his *Moderation*, he affords us not one ſingle inſtance of the Knavery of Bankrupt-Debtors; but when he has occaſion to turn towards them, he accoſts them in the moſt

moſt civil and obliging Terms, and then is ſo far from expoſing, that he hides and extenuates. And 'tis remarkable when at any time, by the method of his Diſcourſe he has been (as it were) forced or compelled to take notice of that Fraud which firſt gave riſe to the Bill, 'tis (I ſay) very obſervable with what reluctancy he does it; and how tender-mouthed he is upon that Head, and how gently and ſmoothly he glides over it, with the moſt Soft and Gentleman-like daſhes of his Pen. And moreover he has expreſſed (as has been ſhown from Review of *February* 23d,) a great inclination to draw a *Vale* over the deformities and *Nudities* of ſome Gentlemen who were Agents and Aſſiſtants in this matter. And further in Review of *March* 5th, he ſeems to juſtify the general practice of his kind of Inſolvants, from neceſſity. And having occaſion in the Title of his Remarks to incert the Title of the Bill, he leaves out the Word *frequently*, and puts it, *viz. A Bill to prevent Frauds committed*; inſtead of *A Bill to prevent Frauds frequently committed by Bankrupts*; this omiſſion 'tis preſum'd proceeded from a reluctancy of expoſing his Friends.

But upon the whole, one might have expected Creditors in general ſhould have received better Treatment from this Gentleman, not only upon account of his civil deportment towards Bankrupts, but likewiſe in regard

1. To thoſe of his Clyant, who ('tis ſaid) have compounded twice.

2. To Mr. *Pitkin*'s, who have been ſuch great Sufferers.

3. And laſtly, to his own, and in particular, Mr. Deb——y *C——s*.

But, in ſhort, in his Dialect they are all Inexorable, *&c.* not ſparing even Mr. Deb——y *C——s*, for if his Cre-

Creditors had not been ſo ſtiff but would have taken Scandal in full payment, which at laſt (by the aſſiſtance only of an Affidavit) they will be oblig'd to, he might then perhaps have gone a ſecond round by this time.

And now the Reader may plainly perceive, by the drift of this mighty Champion's Arguments, what may intitle him to his Favour, and conſequently to his Patronage and Protection; and on the contrary, what will incur his Diſpleaſure, and ſo expoſe him to his *Satyr* and Reſentments. He that is ambitious of the firſt, muſt Act the Part of *Pitkin*'s Agents, and the *Covent-Garden* Draper, *&c.* They that are not affraid of the laſt, may demean themſelves as Mr. *Blakely*'s and Mr. *Paulet*'s Creditors, *&c.*

Some have been apt to conjecture that this Gentlemans undertaking the part of an Advocate for *Pitkin*'s Agents, was occaſion'd from his Notions of Right and Wrong, Truth and Falſhood, *&c.* which if ſo, they muſt in conſequence be (though he's ſo great a Caſuiſt) diametrically oppoſite to the generality of Mankind, for elſe how could he undertake to maintain a Poſition againſt ſuch plain and demonſtrable Proof?

Others again are ſo ill-natur'd, as to ſurmize his Motives Pecu——ry (his own Term) *Illuminations*, becauſe his Opinion ſeems directly oppoſite in Review but of *January* 12th.

Again, others conclude it, a pure voluntary Act, proceeding from an inward Impulſe and Sympathy of *Affection* and Diſpoſitions.

Another ſort preſume it proceeded from a Senſe of Gratitude for what the Gentlemen acted in *Pitkin*'s Caſe, which gave riſe to a Bill of which he had (perhaps) hopes to make his advantage.

And others again Surmiſe it might be as a Sample or Specimen, to demonſtrate how fitly he was qualified

fied for the Office (*viz.* of an Advocate) he was to undertake in this Cauſe.

And laſtly, 'tis thought he had much better (unleſs he intended what he writes in his Remarks, p. 12. ſhould be taken only for meer Eccho and Gingle) employed his time and his Rethorick in perſwading his Cliant to pay Twenty Shillings *per* Pound, becauſe if he had ſucceeded, he might (perhaps) have then been able to produce that Example of one in Ten Thouſand (which he there talks of) that his Arguments have perſwaded to become Honeſt.

But upon the whole, if Mr. *Pitkin*'s Accomplices deſerve this Gentlemans Favour (by parity of Reaſon) his Creditors incur his Diſpleaſure, *&c.*

Mr. *Foe* may very well remember he was told near the Houſe of Lords, of his unfair repreſentation of the Caſe of the *Covent-Garden* Draper, and that he could ſay little in its Vindication, only that he had it from two Gentlemen of repute. Indeed he ſeemed to make a fair Offer or Declaration to the Effect following, *viz. That he ſhould be ready to do Juſtice to Truth*; *by ſetting the Matter in a true Light*, &c. but he has been ſo far from performing his Promiſe, that in Review of *March* 21ſt, he ſeems to recur to it to bolſter up his exotick Arguments; but if he would not have that plauſible Offer he then made conſidered only as an Artifice to avoid an Argument which he was conſcious could not be fairly maintain'd, he is deſired to perform his Promiſe, or inform the World who thoſe two Gentlemen are from whom he pretends to have his Information; and its partiality and unfairneſs is ready to be proved and made out, and ſubmitted to the arbitrament of Mr. *E*——, Mr. *B*——, or to any Man of common Senſe and Honeſty.

It was indeed at the ſame time objected, that Mr. *Hunter*

Hunter had no Authority in Law for taking poſſeſſion of Mr. *Paulet*'s Shop; and 'tis allow'd he had not. But 'tis preſumed he had in Equity as much as he who apprehends a Highway-Man or Shoplift, without Warrant or Conſtable; and unleſs it is that Mr. *Foe* has loſt any contribution in caſe the Goods had been removed, its difficult to aſſign a Reaſon why he ſhould be ſo angry with, or reflect upon Mr. *Hunter*, for what he acted in this Caſe; if we may credit Reports, ſome Bankrupts have owned it coſt them a pretty round Sum this way for their *quota*; but 'tis not ſaid who had it.

But before we conclude it may not ſeem amiſs to give a Specimen of this ſtrenuous Advocates Reaſoning, or rather dogmatical Mode of Aſſerting, in his handling this Subject, which take *verbatim* as 'tis in his Remarks, p. 24. *viz.*

" Every Inſolvant Debtor after a fraction, is obliged " not to pay one Creditor more in proportion then ano- " ther; he that does is not Honeſt, and he (the Cre- " ditor) that prompts him to do it to obtain any re- " laxation or abatement of Proſecution is a worſe Knave " than he; that Creditor that takes it wilfully and " in ſuch a Manner, *is an acceſſory to the worſt of Cheats*, " and let him be who he will, is a deſtroyer of Pro- " perty, and a Robber of his *Neighbour*. Thus far this Advocate. 'Tis allowed theſe Aſſertions may hold in a particular Caſe, *viz.* where a Perſon becomes Inſolvant through Loſſes, decay of Trade, *&c.* and at the ſame time doth not baſely draw in any by Credit, Loan, or Security, *&c.* But to admit them in the Latitude which this Gentleman here ſo poſitively delivers and lays down, without any reſtriction or the leaſt limitation; and conſequently according to his Doctrine ſuppoſe all Inſolvant Debtors to be bound as well by Law

Law as Conſcience; to a compliance in all Caſes, without any regard to the vaſt difference and variety of Circumſtances that do frequently happen in the contracting of Debts; I ſay, to allow of ſuch an unlimited Obligation upon Creditors, ſeems to be (with ſubmiſſion to this profound Caſuiſt) the very reverſe to what he wou'd perſwade, and therefore (if we may make bold with his Expreſſions) I crave leave to tell him, it would give Countenance to the worſt of Cheats; and what doth that come ſhort of *Robbery, and the deſtroying of Property?* in which the ruin of Credit muſt be included.

'Tis obſervable many of this Gentleman's Arguments upon this Head, though he has recourſe to Sophiſtry and ſpecious Pretences to Gild and Varniſh them over, ſeem only to tend to enable the Knave (as in the Parable of the lean Kine) to devour the Honeſt Man.

Beſides, ſuch who become Bankrupts through various kinds of Extravagance, as his Friend *Bo——t*, &c. I would crave the favour of him to ſhew how much he comes ſhort of a *Pitkinnite*, who draws in his Friend by Loan, Credit, *&c.* when at the ſame time he knows it muſt be (and conſequently intends it) to his inevitable Loſs?

Now to take a ſhort Survey of this Matter; the Contradictions of this Gentleman's Aſſertions, are ſo plain and bare-fac'd in many Particulars, that who (but himſelf) could be guilty of them, and not Bluſh? But to remind him of the diſ-reputation of theſe, and ſuch-like Errors as Forgery, Defamation, *&c.* is in effect ſaying nothing, for by being Chair-Man and Director of the *Scandalous Club*, he is reconcil'd to them by Practice. 'Tis remarkable his Examples and Inſtances are commonly very general, (and ſuch his Arguments) as Mr. *H——*, Mr. *S——*, Mr. *T——*, or a certain Gentleman,

&c. did or ſaid ſo and ſo, this or that, *&c.* 'Tis true, theſe may amuſe, and impoſe upon the Credulity of the unthinking Reader, when they are meer Fiction; becauſe (in ſuch Caſes) the Relator's Word is all the Proof, and his Veracity (in matter of Belief) muſt ſolely and implicitely be relied on; and if it leads into an Error 'tis irretrievable, becauſe impoſſible to be undeceived by coming to the Knowledge of Truth; but what Credit is or can be given to an Author's Relations, where his Word is the only Voucher, who at the ſame time is found to have no regard to Truth, but groſly falſifies, *&c.* ('tis no matter from what Cauſe, whether Ignorance or Deſign) in ſuch Facts, wherein he eaſily may be diſprov'd and detected?

'Tis well known this Advocate pretends to a mighty Correſpondence and profound Intelligence, by which he frequently undertakes to diſcloſe and lay open even the ſecret Tranſactions and Converſations of private Families and Societies, in the remoteſt Parts of the Kingdom, and yet is moſt groſly out in relating ſuch Facts as are moſt notoriouſly Publick. But what is the Byaſs which (in ſo many Inſtances) in this Caſe has made him run ſo counter to demonſtration, and the Opinions of all Men? Or what was that mighty *Diana* that has ſo powerfully with-held him from paying a juſt deference to the Sentiments of the Repreſentative Body of the Nation (as in the Caſe of *Pitkin*, &c.) I ſhall not here determine, but ſubmit it to the Judgment of the Reader. But ſhould this Diſputant's mode of arguing be allow'd as fair, he muſt always then be undoubtedly in the right who has the moſt fertile Invention, and the leaſt regard to Truth; but 'till this is granted, ſuch Covert-Modes in arguing muſt be ſuppoſed the effect of the badneſs of that Cauſe that cannot ſubſiſt without ſuch diſingenious Methods to ſupport it.

But

But to conclude, whoever conſiders the nature and manner of this Gentleman's treating all thoſe who cannot implicitly comply with his Notions, and that Liberty which he aſſumes in preſcribing and dictating, and moreover in reſolving (far ſurpaſſing Dr. *Fauſtus*) all Nice and Curious Queſtions, *&c.* muſt conclude he has (or at leaſt lays Claim to) a greater ſtock of Knowledge and Principles than the reſt of Mankind.

But paſſing by theſe his profound *Illuminations*, I aſſure the Reader, that nothing could have oblig'd the Undertaking this Task, (as has been formerly hinted) but Mr. *De Foe* (alias *Foe*) his partial and unfair management of this Argument; who, though 'tis true, pretends to and mightily boaſts of the *Number*, *Strength* and *Cogency*, of his Arguments upon this Head, and alſo of the multitudes of his Examples and Illuſtrations to ſupport them; yet the juſtneſs of theſe Claims of his are readily and freely ſubmitted to the Judgments of all unbyaſs'd Readers, that will but give themſelves the trouble to conſult him upon this Subject. But (with deference to their Opinions) 'tis believ'd, that except *florid Language* and *Sophiſtry* may paſs for the former, and *Contradictions* and *Miſrepreſentations* of Fact can ſupply the latter, he will be found to fall very ſhort of what he with ſo much Aſſurance *aſſumes* and *arrogates* to himſelf; for was he but put to the Proof of many of his Aſſertions in this Caſe (where Evaſions and Artifice would be of no Effect or Service) it's highly probable he would appear as Contemptible an Author as *Fuller!*

As to ſuch Defects and Imperfections as may appear in this Tract, the Author is conſcious to himſelf they ought to be imputed to him, and not to the Subject: But if what is herein contain'd may tend to undeceive any, or excite a more able Pen, his End and Deſign is fully anſwered.

F I N I S.

Price ſix Pence.

A

HUE and CRY

AFTER

Daniel Foe,

AND

His *COVENTRY*-BEAST:

WITH

A Letter from that Worthy *Horse-Courser* to a Friend of Mr. *Mayo* in *Coventry* that lent it Him.

LONDON:
Printed and Sold by the Booksellers of *London* and *Westminster*. 1711.
Price One Penny.

MR. Foe's *Travelling-Occcasions, about three Years since, having led him into* Warwickshire *to encourage the Faction there, as well as elsewhere, he could not but pay his Respects to the* Brethren, *who at that Time were very numerous in* Coventry. *Amongst the rest of those whose good Graces and Pockets he insinuated himself into: One* Mayo, *a poor Man whose whole Support depended on Letting of Horses, had not the least Confidence in him; which he laying hold of, improv'd into being Credited for the Hire of a Horse of him, worth about* 10 *Pounds. But instead of returning it, what does our* Worshipful Squire, *thus dignify'd and distinguish'd from his pretended Intimacy with K.* William, *or his Noble* Subscribers *in* Scotland, *but takes this* Cheval *down to* Scotland *with him, without any notice of the Man that lent it him, in hopes of purchasing the Title of a* Chevalier *by his great Friends Interest. What became of the Horse after the space of above* 3 *Years, Fame has not told us, but the Owner of it finding no return of it, wrote up to a Friend in* London, *who left a Letter at Mr.* Matthews *the Printers in* Little Britain, *concerning the Premises, that was transmitted to him at* Edinburgh * *and had the following Answer in return to it; which the Reader is to observe owns the matter of Fact, and might convince him, were not his Ignorance in the learned Languages so notorious, that* Daniel *is a better Scholar than those that know him, take him to be, aud has read* Martial's Epigrams, *where the Poet cries out to such another Trifler as himself,* Dic aliquid de tribus Capellis. *This is Printed to be bound up with his* Reviews, *and is Word for Word thus, the Original being in the Persons Hands that makes this Publick.*

---

* Where he pretends he was by the Date of his Letter (tho' 'tis presum'd he was then in *London* or *Westminster*.

SIR,

I AM inform'd, by Mr. *Matthews*, that you have been enquiring after me about a Horſe that I hir'd; when I come to Town I will endeavour to ſee you, and make an end of that matter by giving full Satisfaction to the poor injured Man.

In the mean time I will ſhew you how the *Scotch* are a company of Rebels againſt our Conſtitution, and run down the *Revolution*, and call it no better than a Rebellion againſt God and the King; and that all that had a Hand in bringing it about, and maintaining it, deſerve to be hang'd. They cry up King *James* the VIIIth, and ſay, the People of *England* are mad or bewitch'd to queſtion his Legitimacy. I find all ſorts, of what Religion ſoever, are for him, and drink his Health every Day. In a word, they out-do all the *Jacobites* in *England*. They gave me this Account of him to prove that he is the lawful King.

They told me the Queen, King *James* the VIII's Mother, being come to her full Time, gave Notice ſhe was in Labour. A new-born Babe, with all that was Natural to it, was taken out of the Bed in the greateſt Preſence that ever was at any Labour both for Number and Quality. He was ſeen, and his Navel-ſtring was cut in the Preſence of many of them who were preſent at the Labour. All the Neighbours of the Father's Quality, congratulated his happy Birth to his Parents in the uſual Forms, and the next Heirs acknowledged him in the ſame Form that all others did. They pray'd for him in their Domeſtick Chappel, 'till they began to call his Birth in Queſtion, and got their Partizans to give out, that he was another Womans Son, and that they wou'd produce the true Mother which they never did.

Upon their Queſtioning his Birth, which they had own'd and acknowledg'd ſolemnly, before God and Man, the Father call'd the Witneſſes of his Birth to make their Depoſitions.

Then the Midwife Swore ſhe took him from his Mother's Body. A great Lady, in the Intereſt of the next Heirs, Swore ſhe laid her Hand on his Mother's Belly, in her Labour, *and felt it fall.*

Others Swore ſhe had Milk in her Breaſts before and after his *Birth.*

Theſe Depoſitions and many others, were taken before Notaries, and regiſtred as a Record, and ought to ſtand as Authentick, and be eſteem'd

esteem'd True and Certain, 'till better and clearer Proof is made, that these Depositions are false; because all judicial Proofs and Depositions are, in Law, to be taken for True and Satisfactory, 'till contradictory and better judicial Proofs and Depositions are brought to disprove them, which never was done in this Case.

Again: All contradictory Reports, concerning the Birth of any Person, prove one another to be False; such as the Reports that the Queen, his Mother, was not with Child of him; and was with Child of him but miscarried: Also, That she did not miscarry, but brought him forth, and afterwards changed him, all these prove one another to be false.

Again, to abjure the Birth-right of an Innocent Person, whose Birth hath all the common Proofs, and more than any other Birth ever yet had, which were never disprov'd, to Abjure such an one, is Unjust, Unchristian, and Perjury in the very act of Abjuration.

Again to abjure any Person, or set aside his Right upon the score of his Religion is Popery; and contrary to the Doctrine of the Church of *England*, and the Preaching of her most famous Divines, and the solemn Determinations of her Universities.

They have many other Arguments by which they prove *James* the Eighth to be their King, they say, one owned (by both Father and Mother, is by the Law of all Nations to be taken for a true Son till he is legally proved to be an Impostor.

They say, the Birth of a Child which was never prov'd to be false, by a great powerful, vigilant and malicious Party which call'd it into question, is a true and certain Birth; and such they say is their Kings, which never was disprov'd by the next Heirs who call'd it into question, and declar'd they wou'd examine into it but durst not do it, though they had Power, Malice and Opportunity to do it, if it could possibly by any means have been done. Besides his Father call'd upon them publickly to disprove it if they could, or else to hold it for truth, and acknowledge his Birth and Birth-right unto which he has a legal Title, seeing it has never legally been disprov'd, or can be. Therefore all his Subjects (say these Slaves of Hereditary Right) are bound in Duty and Conscience to receive him and adhere to him, and fight for him as God's Vice-gerent. They never consider the Liberty of the Subject and the Original Contract between King and People which has been clearly prov'd by the Reverend Mr. *Hoadley* in his excellent Books on that Head, and also by many of the *Reviews* which you may see at your leisure. I will say no more at present, but if Men of these Opinions had been all hang'd by the too merciful King *William*, we had been in a happy Condition. I am, Sir

I have sent you this in a Friends Pacquet to save charge.
Edr. Jan. 22. 1711.

Your Friend and Servant,
D. F.

In the Review for May 10th 1711, is the following account of this story of the horse by Defoe himself. It clearly proves the foregoing letter to be a forgery.

"Whereas a false & scurrilous libel has been printed, charging the author of this Paper with hiring a horse, & not restoring or making satisfaction for the same, together with a letter in defense of his Manners, said to be written by the author of the Review, the true author of the said libel at the same time concealing himself, so that he cannot be prosecuted for the forgery & slander: Wherefore, though such a senseless slander deserves little notice, yet for the sake of some people who are willing to lay hold of any shift to reproach the man they hate, & to prevent the town's listening to lies, The true case from whence the pretence is taken is stated here in short, for any man to judge of, that is not willing to be imposed upon, & for the truth of it, the person named will be ready to justify it.

"About three years since, this author going to Scotland, a gentleman who went with him, his horse falling lame, was oblig'd to leave him at Coventry & there another. So that, in the first place, the story is a falsity as to the person: for that the Author of the Review hired no horse at all, neither was the other person any servant, or otherwise belonging to him, but as a companion. Forty shillings was the agreed price for hire, which was paid down, & time allotted for the horse's return: But the journey being long, and long

journies liable to accidents, the owner was asked to set a value upon his horse, to be paid if he did not return in time. This he did. He first asked five guineas, but positively agreed at £4.10. viz. forty shillings which was paid down, & fifty more if the horse was not returned. Now, the person not returning at all, but settling in Scotland, where he still is, as soon as he found he was not likely to return, ordered the 50 shillings as agreed into the hands of Mr Edward Owen, of Coventry, a man known & of a clear reputation, both in that city, viz London: Which Mr Owen has offered the said money to the owner of the horse many times, & he refuses to accept it, alleging he was to have five guineas for his horse.

"This is the whole truth of the story. The money is yet in the hands of the said Mr Owen, to be paid whenever he chooses to accept it: And if he thinks he can prove any greater sum due, though the person be in Scotland, he is ready to appear by his Attorney at any time, & to give security to answer him at law in England if he desires." Rawlins VIII. 83–4.

A Paper concerning Daniel De Foe.

I Never expected to have had the Occasion of entring the Lists of Concertation with Mr. *De Foe*; but he having in his Printed History of the Union of *England* and *Scotland*, abused and reproached my good Friend Mr. *Clark*, I cannot contain my self from attacking him: I am resolved not to be prolix, but to keep within the Compass of one Sheet.

The two Points I shall consider are, 1. Some gross Errors in his History of Matter of Fact, concerning the Rise and Occasion of the Rabbles at *Glasgow* in *November* 1706, which he industriously misrepresents. 2. How injurious and unfair he is in his Reflections on Mr. *Clark*, and Misconstructions of his Sermon.

As to the first thing, Mr. *De Foe* errs egregiously in his Narration of Matters of Fact, than which there cannot be a greater Imputation on an Historian: His first Error is, that P. 59. by a *Hysteron-proteron*, he brings in some of the Elders of the Church, privately dealing with the Provost (*viz.* *John Aird* then in that Post) to Address the Parliament against the Union, before Mr. *Clark* had Preached the Sermon he speaks of; whereas Mr. *Clark*'s Sermon was preached several Days before the Conference with the Provost, he being at the Convention of Burrows in *Edinburgh*, at the time of the said Sermon, yea, and some Days both before and after it. His second Error is, P. 60. That the Fast appointed by the Commission of the Assembly, was kept in *Glasgow* on the *Thursday*, the Day of whereas it was kept on the *Tuesday*, *November* 5: 1706, and the Sermon he so much carps at, was on the *Thursday* following. His third Error is, P. 60. That about one of the Clock, after Sermon on the Fast Day, as he narrates it, the Mobb got together, and beat up their Drums, *&c.* but who will believe that the People of *Glasgow* would profane a Fast Day at this Rate? who use

uſe to obſerve ſuch ſacred Solemnities as religiouſly and devoutly, as any People in *Britain*. His fourth Error is, in his very Citation of the Text, where he leaves out two Words, (*then, there*) and puts in one of his own (*and*) which makes it ſuſpicious, he had not the Book of Truth by him, when he wrote this Piece of his Hiſtory. His fifth Error is, That *the Provoſt very calmly and reſpectfully declined the Matter, viz.* of Addreſſing: After this he may ſay any thing, like the Philoſopher *Anaxagoras*, who paradoxically enough averred, that Snow was black: For all that were in the Chamber in the Coffee houſe at that time, both Miniſters and others were Witneſſes, that he carried with much Paſſion and Stiffneſs, but I will be ſparing here, and not narrate all the Circumſtances, either of his Behaviour or Speeches, which I am able to do at a greater length. His ſixth Error is, P. 59. That *a Popular Addreſs among themſelves would not ſerve their Turn, but an Addreſs in Name of the City, by the Provoſt, Bailies*, &c. Whereas, there was a Propoſal made, (which was backed and urged by ſome of the Miniſters and others) That ſeing the Provoſt was preingaged by giving his Vote againſt Addreſſing in the Convention of Burrows in *Edinburgh*, it would be hard to urge him to concurr with the Addreſs of *Glaſgow*; therefore, if he would but allow the Dean of Gild, to conveen the Merchants-Hall, and the Deacon Conveener, to conveen the Trades-Houſe, in order to their Addreſſing, this would ptobably ſatisfy the Expectation and Deſires of the Zealous for Addreſſing, but the Provoſt alſo ſtiffly refuſed his Allowance to this: And I verily believe, that one Word from the Provoſt allowing this Method, might have prevented the Miſchiefs, and Diſturbances that unluckily followed. His ſeventh Error, P. 60. Concerns Mr. *Clark*'s Sermon, whereof more afterwards: From theſe ſo many notorious Errors in a Page or two of his Hiſtory, it may be preſumeably gueſſed, that there are innumerable more, running through the Veins of his indigeſted corpulent Hiſtory, which will extend to 250 Sheets in *Folio*: Hence alſo it is plain, that he hath been too credulous in receiving looſe and uncertain Miſreports,

and

and too rash in obtruding his Misinformations upon the World, and that under the Gloss and arrogant Assumption to himself, P. 58. Of being *one that will relate things, with all the Impartiality possible, and that for the sake of History, he will transmit things Faithfully to Posterity*, &c. But the Noise and Vizor, of his bombastick flanting Rodomontades (which seems to be his prime Talent) will not so charm Men of Sense and Consideration, as to wheedle them into a Belief of his mishapen Stories. I will only add to this Paragraph, if the Stock be like the Sample, (as very probably it is) the Subscribers will have but poor Penny-worths for their Money.

As to the 2d. Point proposed, which particularly concerns Mr. *Clark* and his Sermon, he indulgeth his desuetory Pen to extravag so far, that at once he bewrays the Want, both of the Candor and Veracity of an Historian, and of the Charity of a good Christian: but e're I speak further to this, it is strange that Mr. *De Foe* misrepresents and attacks Mr. *Clark*, who never offended him, and whom he never conversed, nor spoke with; when he was at *Glasgow* procuring Subscriptions for his intended History, he might have discoursed him about his Sermon, and these things that he had only by Hearsays, and vagrant Reports; but it is much to be suspected, that he was caressed and bespoken, to wrack some Folks impotent Wrath on Mr. *Clark*: And perhaps I hit the Nail in the Head, that *Bos in Lingua* did the Business: For sure it must have been some strongly Operative and irresistible Consideration that tempted the Man to undertake this Task, without endeavouring to be well informed at all hands; but he hath been afraid to be undeceived, which might have marred his Mercat and Design: But to return to our Proposal, there are two things particularly concerning Mr. *Clark*, one is the Citation of a Passage of his Sermon aforesaid, the other is some reproachful Epithets he is pleased to bestow on him to his Disparagement. As to the first of these, he makes Mr. *Clark* speak thus, P. 60. *Addresses would not do, and Prayers would not do, there must be other Methods; it is true, Prayer was a Duty, but we must not rest there:* and closed with these Words, *Wherefore up and be*

Va-

Valiant for the City of our God. But to undeceive Mr. *De Foe's* Reader, I can averr it upon moſt certain Grounds, that Mr. *Clark* never ſpoke theſe Words; and further to ſatisfy his Reader, I have by me an exact Copy of his Sermon under his own hand written ſome few days after it was Preached; and recollected partly from his own Notes, partly from his Memory, and partly from a tranſcribed Copy, written by one reckoned the beſt in *Glaſgow* at Short-hand writing; out of which I ſhall tranſcribe the Expreſſion that ſeems to be moſt like, what Mr. *De Foe* would be at: ---*3dly. We muſt not only do what we can with* God, *and leave it there, but we muſt likewiſe do all we can with Men, in an allowable righteous way, therefore uſe all the Topicks and Arguments ye can with them, in order to prevent the Ruine and Perdition of your moſt valuable Intereſts,--- Importunately addreſs the Throne of* Grace, *and alſo in a legal warrantable Way do what ye can with Men, to get your dreaded Miſeries prevented:* Then he expreſly brought in the Example of the Convention of Burrows addreſſing the Parliament, to illuſtrate what he meant ſhould be done with Men, and for their Excitement to Addreſſing, he alluded to, and cited 1 *Chronicles* 22. 16. 2 *Samuel* 10. 12. but for theſe words, *Addreſſes would not do, and Prayers would not do, there muſt be other Methods,* &c. Mr. *Clark* never Preached that, that is a ſpurious Piece of Mr. *De Foe's* own Preaching, without Book, and not ſpoken in the Chair of Verity, which he lays at Mr. *Clark's* Door; but moreover it is very odd, that Mr. *De Foe* ſhould ſo confidently affirm, P. 60. That *he hath Mr.* Clark's *Sermon by him verbatim*, and yet when he comes to repeat a Paſſage from it, in ſtead of a Citation of his *Verbatim* Sermon, he tells, Mr. *Clark* ſpoke Words to this purpoſe, which is none other, than an artificial coining Words of his own to accommodate his preſent Purpoſe, or a falſe Suggeſtion of ſome deceitful Sycophant: by which kind of Legerdemain, to Men of Senſe and Diſcretion, he plainly proclaims want of Ingenuity, and Wit enough to make his Story credible: and likewiſe he perſonating Mr. *Clark* ſpeaking what he never ſpoke, is but *Hiſtrio, pro Hiſtorico*: and whereas, he does

more

more than insinuate, P. 60. That the foresaid Sermon, raised the already inflamed People into a Mobb, (albeit he says indeed, but with some Constipation, *he shall be far from saying the Gentleman here did this with a Design to raise the Tumult that followed*, which is but *repugnans in adjecto*) I will suggest two things for Mr. *Clark*'s Clearance in this Matter: One is, That the People who were so warmly concerned about Addressing, were so farr from making any Disturbance that Day Mr. *Clark* Preached, that a Copy of an Address by an Express from the Magistrates, was sent to the Provost then at *Edinburgh* for his Advice about it, who gave no Return for several days, till he came home himself, and it was also some days after he came home, before the Coffee-House Conference was held, at which time his obstinate Refusal in manner foresaid, did mightily disappoint and chaff many of the Citizens: It is not amiss here also to relate, that the Purpose of Addressing, was not so rashly run upon, as he insinuates; for the Ministers of the Town were consulted about the Affair, e're the Copy was sent to the Provost, who meeting at Mr. *M'B.* Chamber, they made diverse Alterations and Amendments in the Copy presented to them; and particularly Mr. *J. Br*— concerned himself as a Friend

any of the

Account

Breth

ri

which
Item weake
now I would have our history
accidental unforeseen
or not to be imputed .. in severall occasions as efficient causes of
this were a very dangerous tenet to advance. The other
thing to be offered for Mr Clerke is his own words verbatim, which
I have transcribed faithfully from a letter he wrote to a member
of parliament then at Dunbrugh November 17. 1706. Glasgow. You
acquaint me that my sermon is much misrepresented, as if my design had
been to raise tumult: For my own apology & clearance in general, I
declare with greatest ingenuity, I had not a thought, design, or desire
of any tumult, disorder or disturbance, for I alluterly abominate
and disown all irregular mobbish practices; and perhaps there are
few

Valiant for the City of our God. But to undeceive Mr. *De Foe*'s Reader, I can averr it upon moſt certain Grounds, that Mr. *Clark* never ſpoke theſe Words; and further to ſatisfy his Reader, I have by me an exact Copy of his Sermon under his own hand written ſome few days after it was Preached, and recollected partly from his own Notes, partly from his Memory, and partly from a tranſcribed Copy, written by one reckoned the beſt in *Glaſgow* at Short-hand writing; out of which I ſhall tranſcribe the Expreſſion that ſeems to be moſt like, what Mr. *De Foe* would be at: ---*3dly. We muſt not only do what we can with* God, *and leave it there, but we muſt likewiſe do all we can with Men, in an allowable righteous way, therefore uſe all the Topicks and Arguments ye can with them, in order to prevent the Ruine and Perdition of your moſt valuable Intereſts,--- Importunately addreſs the Throne of* Grace, *and alſo in a legal warrantable Way do what ye can with Men, to get your dreaded Miſeries prevented*: Then he expreſly brought in the Example of the Convention of Burrows addreſſing the Parliament, to illuſtrate what he meant ſhould be done with Men, and for their Excitement to Addreſſing, he alluded [illegible] 1 *Chronicles* 22. 16. 2 *Samuel* 10. 12. but for theſe [illegible] *there muſt* [illegible] that is a [illegible] and [illegible]'s

which so
clearing
Pharisees being
but pick up some-guess
keep him self about people's lugs to wit & suit them the best
way he can, but should not meddle with men's heads to take his
measures of them, remembring the proverb, ne sutor ultra crepi-
dam, & thereby advertise Mr Sopor that (his lordship being
no slander, & having been publicly branded with a note of
infamy by authority) Mr Clark, as far as I understand yet, is
resolved not to be moved with any thing he can belch forth in
his cynical humours, no more than the moon is at the barking of
dogs, his testimony not being valid or valuable: And Mr Clark's
function calls him to other kind of work, than Dominie like to
be

more than insinuate, P. 60. That the foresaid Sermon, raised the already inflamed People into a Mobb, (albeit he says indeed, but with some Constipation, *he shall be far from saying the Gentleman here did this with a Design to raise the Tumult that followed*, which is but *repugnans in adjecto*) I will suggest two things for Mr. *Clark*'s Clearance in this Matter: One is, That the People who were so warmly concerned about Addressing, were so farr from making any Disturbance that Day Mr. *Clark* Preached, that a Copy of an Address by an Express from the Magistrates, was sent to the Provost then at *Edinburgh* for his Advice about it, who gave no Return for several days, till he came home himself, and it was also some days after he came home, before the Coffee-House Conference was held, at which time his obstinate Refusal in manner foresaid, did mightily disappoint and chaff many of the Citizens: It is not amiss here also to relate, that the Purpose of Addressing, was not so rashly run upon, as he insinuates; for the Ministers of the Town were consulted about the Affair, e're the Copy was sent to the Provost, who meeting at Mr. *M'B.* Chamber, they made diverse Alterations and Amendments in the Copy presented to them; and particularly Mr. *J. Br.* concerned himself as actively in appearance, as any of the rest, in wording and licking it into its Shapes: Our Mr. Account perhaps it is, that Mr. *De Foe* P. 59. calls [illegible] and false *Brethren* in the plural Number: But here I would [illegible]mpudence, a rian remember, *careat successibus* [illegible]uk, an Hackney ill Eventrates for Bread, and lives by Defamation, *&c.* I shall Cause Reflection more, That they who are Mr. *De Foes* Informers o furnish him with false Aspersions anent Mr. *Clark*, or have advised him to this Male-treatment of him, have performed an Unneighbourly and unaccountable ill Office: It is an ill thing deliberately to reproach any Body, but it is a pregnant Impiety, yea, and a Degree of Sacrilege, to calumniate and stain the Character of a Gospel Minister.

POST.

few in Glasgow, *who have been more sorrowfully weighted, for what of this Sort is come to pass than my self; and as to the injurious Censures, and calumnious Misreports of any,* &c.

And as to the other thing concerning Mr. *Clark, viz.* The Characters attributed to him by the Historian, P. 60. *That he is a weak good Man, and one of an unhappy Temper, Quis tulerit Gracchos?* &c. Upon this I shall not doubt but Mr. *De Foe* knows, to whom is ascribed the Character of the *Accuser of the Brethren, Revelation* 12. 10. for it alwise was and will be, one of Satan's prime Plots, and the way of his inspired Tools and Agents, to disparage and blacken the Reputation of Gospel Ministers, thereby to marr the Success of their Ministery: It is also well known, Christ and his Apostles, were most unjustly branded after the same manner. *Luke* 23. 25. The Prince of Peace Himself, is represented to be a Perverter of the Nation, and that He stirred up the People, and was an Enemy to *Cæsar*. *Paul* also was accused by *Tertullus* the Orator, *Acts* 25. 5, 6. to be a pestilent Fellow, a Mover of Sedition, *&c.* and 2 *Cor.* 10. 10. he is called weak and contemptible. But Mr. *Clark*'s Character is so well known and established, (I will not say what Malice or Envy may suggest in a deceitful and clancular way, against [illegible] Body can be safe) that it needs little Apology for its [illegible] from the unjust Imputations of this *Cretian* Aggressor [illegible] ing above the reach and penetration of his Virulent, [illegible]: And further, methinks Mr. *Hosier*, should [illegible] the best [illegible] ke his [illegible]

be daubing at the Flies of his volatile Fancies, and biteing Sarcasms.

I doubt not if I had been at pains to gather Informations anent Mr. *De Foe*'s Morals and Politicks from *England*, and other Places of his Residence and Conversation, but I might be able to present the Publick with a ridiculous foul Portrait of this *Thrasonick Zoilus*, unto which I should append this agreeable Motto:

Est mihi Penna loquax Bacchus & Alma Ceres.

To get my Bread no other way I ken,
But by the Clatters of my Tongue and Pen.

But it is not worth my while, and there is so much of this kind abroad of him already, that it would be a Breach of my Promise, to extend one Sheet unto many; however *Coronidis loco*, I will subjoin here a few Lineaments drawn by the hand of an honourable Person, a Famous Peer of *England*, as I find them in the Compleat History of *Europe*, for the Year 1705. P. 494. says he of Mr. *De Foe*, " His Papers contain malicious Insinuations, and false " Suggestions, he is a Man of great Rashness and Impudence, a " mean mercenary Prostitute, a State Montebank, an Hackney " Tool, a scandalous Pen, a foul Mouthed Mongrel, an Author " who writes for Bread, and lives by Defamation, *&c.* I shall add one Reflection more, That they who are Mr. *De Foes* Informers to furnish him with false Aspersions anent Mr. *Clark*, or have advised him to this Male-treatment of him, have performed an Unneighbourly and unaccountable ill Office: It is an ill thing deliberately to reproach any Body, but it is a pregnant Impiety, yea, and a Degree of Sacrilege, to calumniate and stain the Character of a Gospel Minister.

POST.

POSTSCRIPT.

CONsidering the ominous Discovery of so many palpable Blunders and Errors in Matter of Fact, in so small a Part of Mr. *De Foe*'s voluminous History, it may reasonably be supposed there are innumerable more in the whole as is hinted above. Therefore I offer my serious Advice to the Author, That he would supersede further Procedure of printing his incredible Mythologies, and even commit what Sheets are cast off to the close Custody of the Ruddie Flames; or else send them to a Tobacconist's *Shop*, where they may serve their Generation, lucky better than in a Stationer's; an early Abortion might prevent bringing forth a Monster; but if he will bring it forth to the Light, I advise he will take in this Schedule and print it with the rest. But to close all, it is humbly proposed to the serious Consideration of the Government, if it may not be adviseable to stiffle in the Birth this intended History, as not being seasonable at this time, for *People* will take it ill out to be misrepresented and reproached, (and no doubt many others undergo the same Fate, as well as Mr. *Clark*) which may occasion Jealousies, that this *Person*, and that *Person*, and the other, *&c.* are Informers, and consequently foment and increase Rancours, Animosities and privy Hatreds, on the account of the Union, which the Author hereof sincerely wishes, may have such Issues, as shall prove every way satisfying to all concerned: And to add no more, this *Piece* of History will have but small Weight or Credit with *Posterity*, considering who writes it.

EDINBURGH:

Printed by JAMES WATSON in *Craig*'s-Close. 1708.

BOSTON PUBLIC LIBRARY
3 9999 05985 108 7